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Women's access to and control of land in rural Tanzania

By

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The undersigned certify that they have read, and recommended to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled *Women's access to and control of land in rural Tanzania* submitted by **Christine Helena Mhina** in partial fulfillment of the requirements for the degree of Master of Science in Rural Sociology.

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Abstract

Women in Tanzania play an important role in agricultural production for the cash economy and especially for home consumption. Women's restricted access to land is a major impediment to improve agricultural production in Tanzania. Using documentary research this study examines the major factors that influence control and access to land for rural Tanzanian women. Despite Tanzanian official rhetoric of equality and human rights, and despite the government's efforts to review all laws discriminating against women, women do not have direct access to and control over land. The review of documents suggests that the patrilineal system, in combination with the use of customary law rather than statutory law, reproduce the practices of women not having access or control over land except through a husband or male family member. In order to enhance women's access and control over land, and at the same time to maintain the basic principles of social organization and cohesion, this study recommends a gradual process of reforming inheritance patterns, to allow daughters to have a share of land in their natal homes. Registering of the female spouse's name on the certificate of village land is another way of enhancing married women's security of land tenure. Avenues for changing customary law exist as women exercise their ability to negotiate. It is hoped that the findings of this study will illuminate the important influence of gender in policy effectiveness and will inform policy makers, development workers, and extension agents, about ways to improve the overall conditions of rural families.

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1.0 Introduction

1.1 The problem

In much of Sub-Saharan Africa, agriculture is still a dominant sector in terms of output, employment and export earnings. This sector is composed mainly of smallholder farmers, the majority of whom are women. These women farmers play a major role in Africa's food systems. They produce between 70 percent and 80 percent of their families' food supply (World Bank, 1994:1; Saito, 1994:vii; FAO, 1987:5; FAO, 1979:v). Women also contribute substantially to cash crop production, providing both paid casual labor and unpaid family labor. For these reasons, female labor is crucial for family subsistence and for the production of surplus for both the domestic and export sectors.

Women in Africa have multiple roles, which translate into a heavy workload. Women contribute fully to the economic production of their families' output, they process and prepare food for the family; they undertake the lifetime task of bearing and nurturing the children. Yet the economic, social and cultural environment in which women play these roles is unsupportive. In particular, in much of Africa women are denied rights of ownership and control over land.

Without rights of ownership and control over land women's role as producers and procreators cannot be fully realized for several reasons. Land is the main resource for agricultural production. Land is the most critical form of property in African agrarian economies. Moreover, given limited non-farm opportunities, land serves as a security against poverty, as well as a means to meet basic needs. Access to land helps in both direct and indirect ways. It helps directly by providing production possibilities, such as

the growing of food, other crops, fodder, trees, and vegetables, and the keeping of livestock. Access to land helps indirectly by providing collateral for credit.

What makes matters worse is that agricultural development programs in Africa have always neglected women and their important role in farming. In official reports women's contribution in agriculture is often under-presented (United Nations, 1991). At best it is perceived as primarily supportive rather than primarily productive. This perception has contributed significantly to the neglect of women in agricultural and development planning and has caused most of the problems women are facing in farming. For example, because of this perception, female farmers are disadvantaged in their access to the main agricultural productive resources (Mulikita, 1985). The lack of access to land, effective extension advice, and viable financial services are key constraints for women farmers. In support of this contention, Boserup (1970:37) has argued that when resources such as land, credit and technical assistance are channeled to only one gender, women lose relative to men. Thus, women's socioeconomic position worsens relative to men. Since the above constraints hamper women's contribution to production, they consequently lead to diminishing the economic and social welfare of their households.

The irony of the African agrarian crisis literature is that it rarely discusses issues of access to and control over rural land, the biggest constraint to farming. This neglect derives from the belief that customary or indigenous systems have generally accommodated the needs of peasants seeking access to land (Basset & Crummey, 1993:3). Contrary to this belief, some studies on land-holding patterns in Africa have shown that, in some parts of the continent, access to land is difficult for some groups, especially women, pastoralists, and poor households (Basset, 1993:3). In addition, further

evidence indicates that the placement of this valuable resource in the hands of male household members often does not benefit female members to an equal degree (Migot-Adholla & John, 1994:14; Bruce, 1993:35). As Bruce (1993:46) sums it up "neither the ethnic, indigenous rules of tenure nor the state's interventions give women any direct standing as holders of rights to land".

Furthermore, the issues of women and land are not given the attention they deserve in public policy formulation in Africa. This neglect of women's land-related concerns by both governmental and non-governmental institutions reflects a parallel gap within academic scholarship (Agarwal, 1994:10). Agarwal argues that the relationship between women and property has remained virtually unexposed and little theorized. Due to these dual negative forces, women's access to agricultural land has not improved in accordance with their participation in farming. This shortcoming has also contributed to considerable loss in agricultural activity and output.

The general picture at the continental level depicts the situation in many African countries. In Tanzania an estimated 84 percent of the population ekes out a living from the agricultural sector (World Bank, 1994:xi). Female labor in the sector constitutes 53.6 percent of the total (URT, 1995:57). With this substantial contribution, women deserve to be credited not only for feeding the bulk of the nation, but also for helping the country earn much of its precious foreign exchange. To achieve these ends, the laboring women need both encouragement and resources. How well their needs are met in Tanzanian land tenure systems is a question that begs close examination.

Tanzania's land policy is in a state of crisis. There is a lot of confusion regarding the use, tenure, allocation, and administration of land (Coldham, 1995; FAO, 1995). Land

policy insists on the continued use of customary land laws, which are based on traditional customs. Accordingly, the source of small farmers' claims to the tenure of the land they cultivate is largely through traditional mechanisms, including inheritance, allocation by village or by lineage elders. However, in these traditional tenure systems, women's land rights are not direct, also the tenure systems do not include the defining attribute of secure ownership. Women have to access land through their family relationship to a male relative. Women only obtain land rights as wives daughters or sisters of the male counterparts in their families. Consequently, women often take directions regarding farm management from their husbands, fathers, or brothers.

In addition to being oppressive to women, the traditional mechanisms of land acquisition and use have not kept abreast of the social changes in the family structure. The rising incidence of unwed mothers, the rising divorce rates, and the increasing scourge of Acquired Immunodeficiency Syndrome (AIDS) have led to an increase in the number of female-headed households (FHH) in Tanzania. Few of these FHH own land; fewer even can exercise effective control over it. Without effective control over land or, worse, with no land to access, some women are forced into prostitution and other illegal activities (Due & Magayane, 1990). Thus denying women direct land rights amounts to condemning rural women and the children they support, to destitution and poverty.

This notion of discrimination of women in rights of inheritance, ownership and control of property was explicitly challenged by the 1979 FAO report of Rome World Conference on Agrarian Reform and Rural Development (WCARRD). The WCARRD report recommended that measures be adopted to ensure that women obtain equitable access to land and other productive resources (FAO, 1984: v). This challenge reiterates

the clause in Tanzania's constitution that stresses equality before the law and eradication of all forms of discrimination and prejudice against women (URT, 1992:1).

In spite of Tanzania's emphasis on the equality of each person and the right to justice before the law (URT, 1992:1), a gap exists between the statutory laws and practice. Dysfunctional administrative and legal systems, coupled with male incumbency in high government positions, have further weakened women's position. Men capitalize on their high positions in society and their better knowledge of the law to acquire land at the expense of disadvantaged women. To achieve social and economic justice therefore, it is not enough to have good laws. An environment whereby policy makers have high levels of awareness of the problems at hand and the political will to change is needed.

This study examines the access to and control of land by the rural women of Tanzania, since it is apparent that rural women encounter social oppression, perhaps more than any other social group in the country. A central theme in this study, therefore, is that conditions of access and control over agricultural land for rural women are not clear, leading to uncertainty and/or tension, which may in turn affect strategies of agricultural development. This study therefore questions whether and in what ways women in Tanzania could have secure rights of ownership over particular parcels of land.

Through documentary research the study further delves into the sources and nature of women's subordination and oppression. Since I could obtain few published materials on this subject and could not find documents specifically on land-tenure issues in Tanzania, my analysis entails the extraction of specific information from various documents and linking it to the problem.

Given the limit on objectives, time and space, I did not attempt to cover 120 ethnic groups of Tanzania. Instead, I selected one ethnic group for intensive study. My choice was influenced by my preliminary survey, which showed that the Chagga had been documented the most. In addition, they have held a permanent landholding system since the early nineteenth century (Moore, 1986). However, to complete data on the Chagga people, I have included personal experience on family land conflict as a part of my research. Further evidence is taken from other researchers' opinions, policy documents and court records.

The argument of this study is that landholding rights are shaped by prevailing social norms. Despite policy changes by the government, women still have no access to and control over land. Abiding by traditional customs has led to total control over land assets by men, and has left women to access land through their family relationships to men. Consequently women have become social and economic dependents of men. The study fosters the view that clear definitions and adjustments of the customary laws of various ethnic groups, and the relentless efforts by women will eventually ensure more secure women's land rights.

1.2 Significance of the study

Of all the resources necessary for subsistence in rural areas, land is by far the most important. Land is people's ultimate security against the state of dependence. Access to and use of land has been, and still is, the key to the means of survival for the majority of people in Tanzania. Women, in particular, need to have access to and control over land to be able to successfully play their role of perpetuating and sustaining society.

Children's food security for example depends largely on women's reliable access to land and their security of tenure. If women's security of land tenure and access to the related productive resources is not ensured, neither will the food security for the country.

To ensure that women contribute positively to agricultural production, it is important to address the problem of inadequate access to land. By assuring reliable access and control of land by women we motivate them to increase their production. Increased productivity of rural women will not only contribute directly to higher output and improved household food security but will also substantially improve the ability of African agricultural systems to produce more food, which they so urgently need.

By carefully studying the rules, customs and policies, that govern the allocation and use of land, I hope to come up with suggestions to guarantee equity between competing interests and the demands of various categories of land users. These suggestions could assist planners and policy makers to effectively attend to women's needs in their participation in agricultural production.

1.3 Assumptions of the study

The surveyed literature suggests that land, a valuable resource in the hands of male household members, often does not benefit female members to an equal degree. However, the literature does not elucidate the factors responsible for women's less fortunate position. This shortcoming may be attributed to the little empirical research that has been undertaken in this area. I therefore make several assumptions in this study. First I assume that gender is a valid social construct that warrants focus in this research. Second, I assume that documentary analysis will enable me to understand how various

socio-political factors have influenced land tenure systems in Tanzania. Through a review of the literature, and with the application of theory, I hope to give a new understanding of this social phenomenon, which is valuable for the discipline of rural sociology. Lastly, I assume that examining and redressing relevant sociological issues could enhance agricultural production. In particular, I will examine relationships between those who control land use and those who do not, and how agricultural production is tied to the social organization of agricultural land use.

1.4 Objective of the thesis

This study focuses on the customary allocation practices of land resources in rural Tanzania. Moreover a review of theoretical works on social oppression, at the household and national level, show that the state has a bigger role to play in advancing gender equality in matters of property ownership. Thus, in addition to customary practices, the study looks into the statutory laws to understand the nation-state policy in issues of land ownership. In general this study seeks to characterize rights of access to and control of land by women in rural Tanzania, with a view to increasing the awareness of policy makers, extension agents and women about the deficiencies of community and state laws.

The main objective of the study is to assess the major factors that influence control and access to land for rural Tanzanian women. The specific objectives of this study are as follows: (a) to examine the Chagga social system and its impact on land acquisition and use. (b) To examine the dynamics between customary and statutory laws and practices carried out at the village level. (c) To consider policy options required to enhance the productivity of rural women of Tanzania.

1. 5 Conceptual definitions

To avoid confusion I define some of the terms related to land as I have used them in this study. Land tenure refers to the conditions under which land is held. Tenure arrangements define the amount of access which members of society may have, prescribe the degree of control that may be used on land, and the manner in which the benefits that accrue may be distributed. Thus, land tenure entails the relationship among people in a given socio-economic and political context, which determines the incidence of rights over land (Okoth-Ogendo, 1993:256).

Rights are defined as legally and socially recognized claims enforceable by a legitimized authority, be it a village-level institution or some higher-level judicial or executive body of state (World Bank, 1994:38; Okoth-Ogendo, 1989:12; Berry, 1989:2). The word access as related to land refers to the right to use or benefit from a land resource. Access to land is always specific to a certain function, for instance, the right to cultivate, the right to grow perennial or annual crops, the right to graze or to collect fuelwood, the right to make permanent improvements, to bury the dead, to pick wild fruit, or to cut trees (Migot and Bruce, 1994:22; Davison, 1988:11; Rogers, 1980:122). Thus, access rights usually include some degree of decision making over how the land should be used, but do not imply ownership rights. Some authors refer to this as use rights or usufruct rights (Berry, 1989:48; Okoth-Ogendo 1989:12;Davison, 1988:11; Rogers, 1980:122).

Control on the other hand refers to the effective exercise of use rights and control over some or all of the benefits derived from land (Berry, 1989:48; Okoth-Ogendo 1989:12). Control rights entail a power of distribution according to the needs of the

individual. Control rights therefore guarantee access. A person who controls a plot tends to control also the labor supply of the person to whom access to the plot is given. In most African societies, individual societies may be said to control their own land, together with the right to transfer it to successive generations, at least as long as they use it.

Ownership applies to land that has cash or commodity value and is registered as entitlement to an individual or corporate group (Davison, 1988:11). When an individual has complete claims on the land and its output, and can sell or transfer it to anyone without restriction, then he/she enjoys purely individual rights. In other words she/he owns the land. In this case the right holder has absolute control. This concept of outright ownership by a single individual, common in the Western world is rare and inappropriate in the African context. Generally the state, village or clan owns the land and has the power to grant land rights. However, men use this European concept of ownership to give the impression of an absolute right over land, as distinguished from access to land (Rogers, 1980:123; Boserup, 1970).

Security of tenure exists when an individual has rights to a piece of land on a continuous basis, without hindrance or interference from any person or corporate entity. In this case the possessor of a land parcel has the right to manage and use the parcel, dispose of its produce and engage in transactions, including temporary or permanent transfers (Migot-Adholla & Bruce, 1994:19).

1.6 Organization of the thesis

The second chapter reviews the literature on the subject of women's access to land. First, a brief overview of socialist feminist theory is given. This theory is used as a

framework for assessing the extent of women's discrimination and subjugation in matters of land ownership. Next, the essential features of African indigenous or customary tenure are described.

Chapter three gives an overview of the study area. The chapter is divided into two sections. The first section discusses briefly the land tenure system in Tanzania and its evolution. The second section briefly describes the historical and cultural development of Kilimanjaro region in which the Chagga people live.

Chapter four focuses on the method of data collection and analysis. This chapter outlines the procedures of systematic search of literature. In addition, I highlight constraints as well as advantages of documentary research.

Chapter five gives the data collected. The major themes that emerged from the study are presented in this chapter. Finally, chapter six summarizes the major findings of the study and offers conclusions and recommendations derived from the analysis.

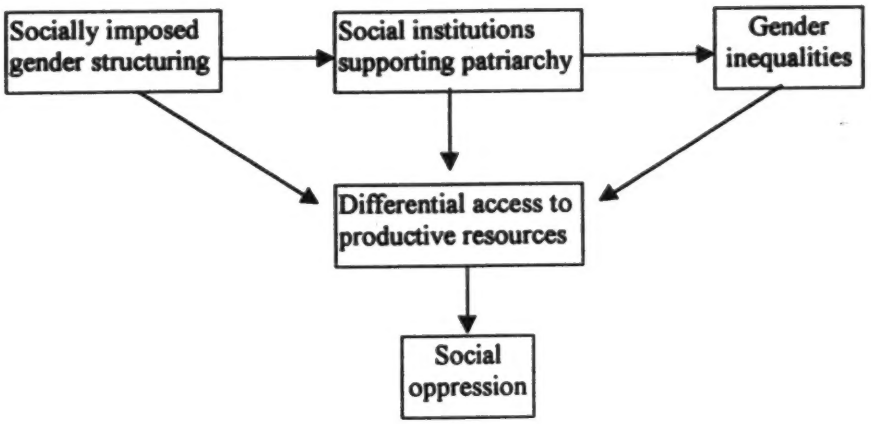
2.0 Literature review

2.1 Theoretical framework

The theoretical framework for this study is socialist feminist theory. According to socialist feminists, patriarchy leads to social oppression (Ritzer, 1988:309). To socialist feminists, patriarchy means not only the power of men in general over women in general, but also the hierarchical character of male power, and the ideological legitimation of this power as natural, normal, right and just (Ramazanoglu 1989:34). Socialist feminists claim that people's lives are structured by gender. Gender is the social construction of what is socially acceptable as a man and what is socially acceptable as a woman. This gender structuring socially imposes relatively rigid masculine and feminine characteristics that maintain male dominance (Jaggar, 1988:127).

Socialist feminists also recognize that capitalist systems tend to concentrate control and ownership of key material resources within the hands of a few. Given men are in positions of power, men benefit more by capitalist systems. I have chosen the socialist feminist approach because it allows me to treat access to and control over land as a source of power. Patriarchy prevents women from obtaining this source of power. The framework further allows me to examine the relationship of gender to land within the context of dynamic changes over time, in particular land reforms.

The framework



2.2 Socially imposed gender structuring

Gender structuring is the process through which a society structures relations between males and females (Davison, 1988:4). Spurred by biological differences, social norms, and customs these relations between males and females are characterized by continuous and consequential negotiations resulting in complex asymmetrical economic and social relationships (Guyer, 1986:94; Migot-Adholla & John, 1994:15). Agarwal (1994:51) says that gender relations in a society refer to power relations between women and men that are revealed in a range of practices and ideas. Nowhere is this so evident as in assignment of labor tasks, decision-making and allocation of resources.

2.2.1 Assignment of labor tasks and decision-making according to gender

In traditional African societies where division of labor is by sex and age, women undertake many of the household activities. Women perform nearly all tasks connected with food production. Although men may till the land before the crops are planted,

women do the bulk of the work with food crops. This pattern is so widespread that African agriculture is sometimes referred to as women's farming system (Boserup, 1970:16).

Women are valued not only for their labor but also for the potential labor of others, which they could create through childbearing (Cloud & Knowles, 1988:251). Thus, women's role as producers and procreators influences their access to and use of land. A woman has a responsibility to marry and produce children who will one day inherit the land.

Agricultural decision making is a complex phenomenon in Africa and it varies substantially from one culture to another. One school of thought argues that women are the main decision-makers. Moock (1986:92) believes that women not only provide a huge proportion of agricultural labor in Africa, but they are also the essential decision-makers. Similar views have been voiced by Bruce (1993:46) who contends that a woman farmer often has fields of her own, over which she, and not the male head of household, makes key management decisions.

The second school of thought believes that women's loss of status and decision-making power in African agriculture has been influenced by male-controlled agricultural systems. Boserup (1970:60); Mackenzie (1989:96) and Davison (1988:9) argue that in earlier times women's responsibility for food production gave them substantial control by deciding which crops to grow and how much to plant.

It is difficult to judge which school of thought is accurate because it is difficult to generalize across farm households in sub-Saharan Africa. The complexity stems from distinct production units within the household. Some production units are managed by

men, some by women, and some jointly, thus making the exact form and degree of decision-making complex. Saito (1994) has a valuable contribution to this issue of decision making. She reports that the survey data from Burkina Faso, Kenya, Nigeria and Zambia have shown that men generally have more decision-making power (Saito 1994:14). Saito's conclusion was that men and women make most of the decisions on their own plots but husbands have more influence on wives' plots than vice-versa. Furthermore, women's decision-making powers on their own plots are reduced when their husbands are resident and increased when women head the household. Saito (1994:16) further reports that female heads of households make most of the day-to-day decisions concerning running the farm, but the decisions that require major cash outlay are usually made by sons. This indicates asymmetric power in decision making among female and male members of the household.

2.2.2 Access to and control over resources

In most rural areas of Africa, access to productive resources is determined by activating a hierarchy of rights. For instance, the right to labor is through a complex set of interpersonal expectations and negotiations within the family, the kin network and the wider community. Traditionally within households, women have fewer rights than men to resources such as land, labor, income, technology, information through extension and credit (Saito, 1994:16). Generally women do not have full control of their own labor. Women also have minimal decision-making power over the use of household income. In her case study in Cameroon, Jones (1986:107) describes a case where married women were expected to work on their husbands' fields. Women were expected to give all the

income from the fields to their husbands. It is further reported that in some cases husbands have customary rights to income from crops grown by their wives (Jones, 1986).

In most societies in Africa, land was considered the patrimony of the lineage, the quantum of rights held by women was ephemeral and did not include the defining attribute of secure tenure. It is appropriate here to examine the gender structuring of traditional African societies and its impact on access to land.

2. 3 Social institutions supporting patriarchy

In traditional African societies usufruct rights to land (Migot-Adholla & Bruce, 1994:5; Ensminger, 1996:184) characterize tenure systems. These user rights are maintained by cultivation and, when not cultivated, the plot often becomes a common property resource for the community. Lineage or clan control is especially prevalent in Africa. The head of the lineage has the authority to allocate land to those with needs. A common characteristic in almost all African customary systems is for use rights to be assigned at the household level, while transfer rights are assigned at a higher level, such as by the lineage, clan, or chiefdom (Ensminger, 1996:185). Men constitute these social positions. Thus, land generally is under the managerial control of men.

Rights of transferability are often restricted, but vary from community to community and across countries in Africa. Generally the person who cleared the land first is entitled to use it and passes it down to his descendants through the male line in patrilineal systems and through the sister's son in matrilineal systems (Okali, 1983; Haugerud, 1995; Ensminger, 1996). Patrilineal successions and rules of residence, which

predominates over much of Africa, means that women obtain use rights to land through men (Migot-Adholla & John, 1994), either as wives or as daughters or sisters of males within their families (Migot-Adholla & John, 1994:16; Okali, 1983:65; Haugerud, 1995:161; Ensminger, 1992:163). These usufruct rights are vulnerable to changes in status within their households.

Under customary tenure married women are assured access to land during the duration of their marriage. The customs are usually combined with rules of exogamy, for instance, that marriage be contracted among non-kin, and require that wives move to their husbands' home. Thus, women typically lost use rights over land in their natal lineage. So long as women remain married, they generally enjoy rights of access and use of land in their husbands' family for household production. Divorce was generally rare (Migot-Adholla & John, 1994; Haugerud, 1995). If a woman became divorced, she again lost her land rights and could only obtain them through re-marriage. Upon the death of her husband a widow has to make a choice between marrying her late husband's brother or returning to her natal village.

Notable exceptions existed in some matrilineal societies across Central Africa and some parts of West Africa. In these societies women's control of land is chartered by a matrilineal ideology that gives them the power over the distribution of land. Daughters inherited land from their mothers, which gave them sole rights to land (Berry, 1985; Okali, 1983; Migot-Adholla & John, 1994). With these independent claims women owned and sold land in their own right. However, it has been shown that this system is fairly complex. In some cases of matrilineal systems, women obtained rights indirectly through the male family members. For instance, among the Akan in Ghana, as explained

by Okali (1983:165), some women acquired land through their mother's brothers while men acquired land from their fathers. A similar system is reported among the matrilineal Luguru of eastern Tanzania. In this locality, the head of a sub-clan controls and allocates land. If he died, one of his sister's sons was appointed successor by the women of the sub-clan (Brain, 1980). Generally, however, women have indirect rights to land. It is necessary to look at the factors that contribute to the gender inequality in land acquisition and use.

2.4 Gender inequality in land acquisition and use

2.4.1 Gender and land tenure security

Security of tenure refers to the ability to use land for a certain period and for a defined purpose without disturbance. According to Heyer et al (1976) insecurity of tenure may be attributed to rights having short duration and terminating automatically on cessation of cultivation. Tenure security has implications on technology adoption, thus, contributes significantly to agricultural development. While developing land infrastructure and seed-fertilizer technology is costly, integration of trees into farmers' cropping patterns (or agroforestry) for instance, through alley cropping, offers a gain in land fertility (Bruce & Fortmann, 1989). Nitrogen fixation and micro-climatic benefits account for part of the yield increase. Fodder and fuel-wood that are mostly used by women are outright alley cropping by-products. In this way security of tenure becomes an important precondition of adoptability (Bruce, 1993:37). Thus, in order to understand the likelihood of adoption of agroforestry by women farmers it may be crucial to understand

the nature of women's land rights. This will determine whether women will be allowed to plant trees at all.

Notwithstanding, tenure security and tree planting have implications for fuel-wood procurement. Fuel-wood is a major source of energy for many peasant women. The fact that women, by tradition, do not participate in tree planting activities means they have no direct rights to trees and tree products. Moreover, trees are unlike annual food crops. Most crops only take a few months to mature. Where the right to the land is lost, say in the case of a woman farmer, the loser may still have the opportunity to reap crops in the ground, but not to harvest trees. Some studies found that farmers were growing trees on land held in secure tenure whereas annual food crops were on less secure land-holdings (Bruce & Noronha, 1987, Bruce & Fortmann, 1989). Thus, agronomists and agricultural extension agents concerned with encouraging agroforestry on women farmers stress the importance of clear tenure rules (Bruce & Noronha, 1987; Chambers et al, 1989). Uncertainties about rules of inheritance entails insecurity and this may present difficulties in adoption of technology, hence reducing the probability of increased land productivity.

The causes of tenure insecurity for women are diverse. It can result from lifecycle changes such as marriage, divorce, widowhood or changes in national policies, for example, land reforms (Rocheleau, 1987:83). When women's tenure security is based on their marital status, they are faced with many ambiguities and uncertainties. For instance, a husband may be entitled to shift his plots among his wives as he chooses. How could a woman farmer make plans for farm management if she is prone to be shifted from one field to another? In this way women cannot make decisions because their fate is

unpredictable. It is further asserted that African women enjoy wide security of land use so long as they have children, and at least a son (Migot-Adholla & John 1994:24). This raises the issue of lack of security over land use for women who are barren.

Since a woman in a patrilineal society always farmed her husband's land, her basic economic security could be severely threatened by divorce. Brain (1972) asserts that, upon divorce, women lose their rights not only to land but also to personal possessions, food supplies and unharvested crops (Brain, 1972). Due to these difficulties some divorced women attempt to remain in their marital homes so as to maintain their usufruct rights (Hay, 1995: 120). One can imagine the difficulties of attempting to reside in a homestead where you are not wanted.

Widowhood is probably the most significant life cycle event that threatens women's security of land tenure. Some researchers have found that widows' positions are secure only if their sons are already married with established households of their own. The belief is that when the sons inherit their fathers' estate they are unlikely to deprive their own mothers of rights to use land (Hay, 1995:120; Potash 1986: 48). Growing land scarcity and current confusion between 'trusteeship and ownership' has changed this practice. In an established household where there are two women with different social statuses but with rightful claims (in relation to land) there may be problems. In fifteen years of my experience as an extension agent I have seen a number of conflicts between wives and their mothers in-law. The mother in-law may feel she is the rightful owner because the property belonged to her husband, and the daughter in-law may feel that she is the rightful owner owing to the fact that she is the wife of the current owner. In some cases widows have been forced to comply with the wishes of daughters-in-law.

Widows face situations that are even more difficult where no child and particularly no son has issued from the marriage. The widow may enjoy usufruct rights to her husband's land, but her brothers-in-law may seek to limit her ability to enter long-term transactions. The widow is allowed to grow annual crops for subsistence since having permanent crops entails ownership in land. Moreover the widow is not a clan member in her husband's family. Migot-Adhola and John (1994) report cases involving registered land in Kenya, where magistrate courts have upheld objections by brothers-in-law to childless widows' claims to formalize inheritance of their late husband's land. This was happening without considering the fact that the widow may have invested considerable effort in developing the land (Mackenzie, 1986). Women's lack of access to land and their insecurity of tenure were further aggravated by land reforms introduced by European colonialists.

2.4.2 Gender inequality due to colonial land reforms

The colonial administration viewed 'traditional' institutions as an inherent barrier to change. This was passed on to African elite, and foreign aid donors who have historically viewed indigenous land-holding systems as obstacles to increasing agricultural output. The argument was that only private, freehold arrangements would provide the investment security necessary to make African agriculture more efficient and productive (Basset & Crummey 1993; Meek, 1968; Lord Hailey, 1957). (Basset & Crummey, 1993; Coldham, 1995). This argument was based on the belief that people without secure title will not invest in the development of land since they cannot be assured of access to it in future years. It was further alleged that transferable land titles

are needed as collateral for agricultural credit (Brautigam,1992; Feder et al, 1988; Feder & Noronha, 1987). Following the assertion above, large tracts of land were expropriated for the exclusive occupation of colonial settlers. Colonial rulers also granted private contractors the right to clear forest lands for establishing tea and coffee plantations (Basset & Crummey 1993; Meek, 1968; Hailey, 1957). This was mainly done in Kenya, Zambia, Zimbabwe, Zaire and Tanzania.

The colonial response to the land question in Africa is quite complex. The responses varied from place to place depending on what crop was produced, the importance of the crop and who produced it. In Kenya, European capitalist interests were paramount to the point that most cash-crop production by peasants was prohibited (Hyden, 1980:41).

In Tanzania, Germans opted for a mixture of settler and plantation agriculture on the one hand, and cash-crop-oriented peasant agriculture on the other. In the late eighteenth century, with the assistance of collaborative chiefs, land was alienated to Germans settlers on the fertile slopes of Mount Kilimanjaro, Mount Meru and in the Usambara Mountains. Sisal plantations were established along the coast. Labor recruitment was organized for the newly established commercial interests and to secure the completion of public projects. Many families were forced to migrate to less fertile land previously employed only for pasturage or other common usage. Other people were immediately drawn into agricultural labor tenancy arrangements on settler farms (Davison, 1988; Migot-Adholla & John, 1994).

The effects of these land reforms were many. One of the characteristics of the reformed system was that the adjudication register did not include the multiple rights

claimable under customary law. Rights of usufruct in general, and other overlapping multiple use rights (as noted earlier) have been largely ignored in favor of individual or state ownership. Individual land ownership titles or allocations of land were made on a household basis, usually to male heads of households (Migot-Adholla & John, 1994). As a result, communal land declined rapidly and the customary rights of local populations were severely curtailed. Furthermore, a gap was created between the land rights as reflected in the land register, and land rights as recognized by most local communities (Okoth-Ogendo, 1993; Coldham, 1995; Barrows & Roth, 1990). Barrows and Roth (1990) document the confusion that was inherent in changing customary to individualized tenure in Kenya. They report that even in those areas where land was being registered, customary law continued to govern the way in which most people dealt with their land, making tenure rights ambiguous.

Although the colonial system worked to the disadvantage of all peasant farmers, for women the situation was even more critical. To the extent that allocations of land were made on a household basis to male heads, women lost their rights to land. For instance in Kenya very few women had land registered in their names. Widows and/or women who had only daughters, were defined as persons not in need of much land. Thus, registration effectively created tenure insecurity for women (Okoth-Ogendo, 1993: 274). Rocheleau (1987) documents a case of Luo women in Kenya who lost their access to all the lands they previously used. The adjudication officers strongly argued that the ruling was in accordance with the custom that women do not own land.

As beneficiaries of land reform, men's legal rights often exceed former customary rights. It can be said that land reforms have formalized and strengthened men's individual

ownership, at the expense of women's control of lands. By giving precedence to individual ownership geared toward men, the new land tenure system undermined women's traditional access to land and marginalized their traditional user rights. The head of the household acquired a right to sell the land, without the consent of other family members. This in effect converted men's rights into absolute ownership (Davison, 1988; Okali 1989; Saito, 1994), and women were thus left with much less security of tenure. Women's rights, by contrast, became part of a growing body of uncoded, evolving customary law, outside the formal legal system. As a result, women are increasingly dependent on their husbands and kin to obtain what are usually secondary rights to land. These illustrations point out the elements of ambiguity, dependence, and insecurity (Fortmann & Rocheleau, 1984). The situation is even worse for unmarried women, divorced women and widows.

2.4.3 Implications for female headed households

The term female-headed household (FHH) is used to refer to any household without a co-resident male head for some period. The male head of the household may or may not be contributing to the welfare of the household or participating in its economic decisions during this period (Migot-Adholla & John, 1994; Moser, 1993). The main factors influencing the prevalence of "incomplete" households in much of sub-Saharan Africa are economic stagnation, rapid population growth, land pressure, and poor or inappropriate agricultural technologies. At least six possible routes to "absent males" or "incomplete" rural households may be identified. Migot-Adholla & John (1994) categorized the female-headed households as follows: (1) widowhood; (2) failed

marriages of older women with children, necessitating return to their native homes; (3) unmarried adolescent motherhood; (4) "abandoned" wives (of long lost labor migrants) retaining residence in their marital (husbands') homes; (5) voluntary marital independence on one's own acquired land, and (6) "incomplete marriage," resulting from failure of the groom to fulfill the conditions of the marriage contract, for instance, paying "final" bride-wealth. The important distinguishing feature of these households is that the women heads are the main providers of economic sustenance.

To date 30 percent of small holder farm households in sub-Saharan Africa are female-headed. For example Saito (1994:x) reports that in Zambia FHH comprise about one third of all rural households. In many places, marriage rates are falling and marriages are increasingly unstable. High proportions of married women are living separately from their husbands. Consequently, there is a preponderance of rural female-headed households among the poorest income categories (Due & Magayane, 1990:240; Smith & Stevens, 1990:553). Similarly divorcees and widows fall under the same category. Agarwal (1994) reports cases of women, married into prosperous households, being left destitute and forced to seek wage work or even to beg after widowhood.

This is a category of people that, due to customary law, are estranged from the basic resource (land) from which they can make a living. This estrangement is from both their natal and nuptial homes. The only option they have is to return to their own clan-land, which is under the custody of the brother or any designated male trustee. But in some cases these returnees are not given a piece of land to cultivate, and when given land, this land would be marginal. In many cases childless widows stand little chance of living on the deceased husband's land. In one qualitative farm management survey,

Kaijage & Tibaijuka (1996) report a case in an Acquired Immune Deficiency Syndrome (AIDS) stricken area in Tanzania, where one third of the interviewed women were widows. These widows did not own land but were cultivating land on behalf of their children under the trusteeship from the clan. It is reported that 50 percent of these women lived under considerable harassment and sometimes direct threats from clan members and sometimes from their own sons.

There is little doubt that households lacking access to substantial land resources have a high likelihood of being caught in the poverty trap. Rural women, whose husbands have migrated in search of better opportunities, most often support themselves and their children in a declining rural economy. Thus FHH face a paradoxical situation of rural labor shortage, since a high proportion of male heads and members of rural households are not engaged in farming. This reduces family labor supply and highlights the lack of cash or credit with which to hire labor. As a result, households adjust cropping patterns and farming systems to fit labor availability. They do so by limiting the area cultivated and planted. This generally leads to a low level of labor productivity.

In a study that Spring conducted in Malawi (Poats et al, 1988), it was evident that the female-headed families were unable to prepare as much land and plant as much acreage as joint families. Since their ability to produce surplus was decreased, these women compensated partially by allocating their labor to non-crop income generation. Some did beer brewing and sold small quantities of fruits and vegetables in the local markets. Less fortunate women were forced to prostitution and crime by desperation (Due & Magayane, 1990). Denying these women land rights amounts to condemning these women and the children they support to landlessness and poverty.

2.4.4 Steps to address women farmers

Since Tanzania became independent, former President Nyerere has acknowledged women's contribution to agriculture and the strains the colonial period had placed upon women's labor and access to land. Compared to other countries adjacent to Tanzania, the government has made efforts to facilitate women's farming. The government based its development strategy primarily on the local peasantry and rural women have benefited from the new educational, economic, and political reforms.

Intensive efforts through literacy campaigns and formal educational reforms raised the educational level of rural women. Whereas the illiteracy rates were high for all persons before 1970, those for women were consistently higher (Hyden, 1980:9; Croll 1986:242). The establishment of the rural health centers and public health campaigns has led to some improvement in the health of rural women and a decrease in the maternal and infant mortality rates. The introduction of birth control was also found necessary for both the health of women and their ability to contribute to village and rural development activities. Women's improved health enabled them to combine their roles as producers and reproducers and thus participate in rural development.

On land matters, the government aimed to introduce measures to change the relations of production to benefit women. This was to be achieved through gender-neutral land policies in the sense of having land allocation without gender discrimination. It was anticipated that the patriarchal authority and control would diminish if land will be administered using the principles of collectivism[1] (Komba, 1995:36; Croll 1980:239;

Nyerere, 1968:260). Thus, the land would no longer be based on tribal clans, or family authority, but rather on the territorial unit, that is, the village council or government. I address women's land security in chapter five.

2.5 Summary of literature

The reviewed literature gave several explanations of how land is a source of power. In summary, we can say that women's access to land differs from men's in terms of clarity and strength as well as in the nature, scope and complexity. Their access to land is often tenuous, undefined and reliant on men, who can terminate women's access at their will. Thus women have been described as having "secondary rights" to land under lineage practice (Rocheleau, 1987). While African women are disadvantaged in their access to land, their tenure security also leaves much to be desired to achieve gender equity.

The literature further shows how society structures relations between males and females. The way people's economic relations work in reference to social relations is revealed by differential assignments of labor tasks, control over decision-making and differential access to and control over allocation of resources. Literature further suggests that lineage and social institutions contribute to asymmetric power relations. Control over women is maintained directly in the household, lineage and community by men, and is sustained by social institutions. For instance, marriage has been shown to determine women's access to land and their security of tenure. The complex sets of rights and

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[1] Collectivism refers to the principle of ownership of the means of production by the state.

obligations generally disadvantage women, resulting in asymmetric economic and social relationships, hence gender inequality.

Furthermore, the colonial system could be viewed as patriarchal in nature. The development of commodity relations led to a restructuring of gender relations in which men benefited from European notions of property in assuming control over cash-crop production and primary rights to land. The emphasis upon male-controlled agricultural intensification further diminished women's power and status in African agriculture. The loss of women's rights to land is heavily influenced by colonial land reforms.

3.0 Study setting

In order to understand the aspects of access and control of land it is necessary to have an appreciation of the historical context of the land tenure structure in Tanzania. It is the purpose of this chapter to briefly introduce the Tanzanian land tenure structure to highlight the mode of land acquisition and use. The chapter further outlines the Chagga social organization, political and economic structures, which will illuminate how the traditional landholding system was arranged. The gender dimension in accessing and controlling land will be discussed in the findings chapter.

3.1 Geographical and historical background

Located on the East African Coast of the Indian Ocean, the United Republic of Tanzania is the largest country in East Africa, covering 945,234 sq. kilometers (see map on page 33). Except for a narrow belt of 900 sq. kilometers along the coast, most of Tanzania lies above 200 meters in altitude, and much of the country is higher than 1,000 meters above sea level. In the north, Mount Kilimanjaro rises over 5,000 meters with the highest peak, Kibo, reaching 5,895 meters, which is the highest point in Africa.

Independence from the British rule came in mainland Tanzania, then Tanganyika on 9th December 1961. On 20th April 1964 Tanganyika became united with Zanzibar islands to form the United Republic of Tanzania. Administratively, Tanzania mainland is divided into 20 regions and Zanzibar into five. The regions are subdivided into districts.

Tanzania is a country with vast land resources and a rapidly growing population. Agriculture is the major employer and source of income for most people in Tanzania, with the production of both subsistence and export crops. According to Agricultural and

Livestock Policy (URT, 1983) the challenges of rural land development are to: assure basic food security for the nation, improve standards of living in the rural areas, and promote integrated and sustainable use and management of natural resources. However, the overall assessment of land development trends in the last 30 years indicates that progress has been slow. Agricultural output has stagnated and much of this stagnation has been attributed to the problems of land tenure and land use planning (World Bank, 1994; URT, 1983).

3.2 Land tenure in Tanzania

Historically land in Tanzania was readily available and because agricultural activity was primarily for subsistence, any Tanzanian citizen could claim land in order to provide for his family. Widespread clearing of forests, settlement, and cultivation were permitted with few restrictions and little government control until recent times.

Land in Tanzania is a public property (World Bank, 1994:37; URT, 1995:vii). The state has dominant title over the land, a tradition with roots from the German rule in 1895. The British adopted the system and declared all land as Public Land in the Land Ordinance, Cap.113, of 1923. In the colonial periods, it was the governor who was the custodian of Public Land and today it is the President. The land ordinance defines these rights as the "right to use and occupation." Private ownership of land is largely unknown. Consequently, individuals or communities could only hold usufructuary rights over the land subject to the approval or consent of the Governor.

The land titles that can be held by any person in Tanzania are of two types: the granted right of occupancy and the deemed right of occupancy (FAO, 1995:9; Coldham,

1995:232; World Bank, 1994:38). The granted right of occupancy is a direct grant from the state authorities either by the President or by specified officials. Here the grant is a term ranging from one to 99 years and a certificate of occupancy, subject to conditions. Right of occupancy has been largely granted to settler farmers and urban dwellers since colonial times.

The second type of a right of occupancy is the deemed right of occupancy. This is the most common type of land holding in Tanzania. The indigenous population (termed as "Natives" in the colonial times) holds land under this tenure. The Land Ordinance assumed that Natives and native communities, holding land before the commencement of the ordinance under native law and custom, held land under a deemed consent by the state. As such they had a right of occupancy (FAO, 1995:9; Coldham, 1995:232; World Bank, 1994:38; Tenga: 1990:183). Consequently, people claim rights to land under the rules and customs of the area in which the land is situated. Subject to continuous use and the approval of the village or other communal authorities, this right is held in perpetuity.

Following independence in 1961, these forms of land tenure systems continued until 1967 when the policy on land tenure reinforced the government control through village administration. To date, user rights are administered within the village administration. Village leaders have the authority and control rights over land that is assigned by the state.

This study will concentrate on deemed right of occupancy under which the majority smallholder farmers in rural areas hold their land. Since the position of women in relation to land is sociologically pre-determined the study will examine the rules and customs of land acquisition and use. Obviously, it is not possible for me to cover 120

ethnic groups of Tanzania. To illustrate the issues raised in this research, I decided to select the Chagga tribe for intensive study.

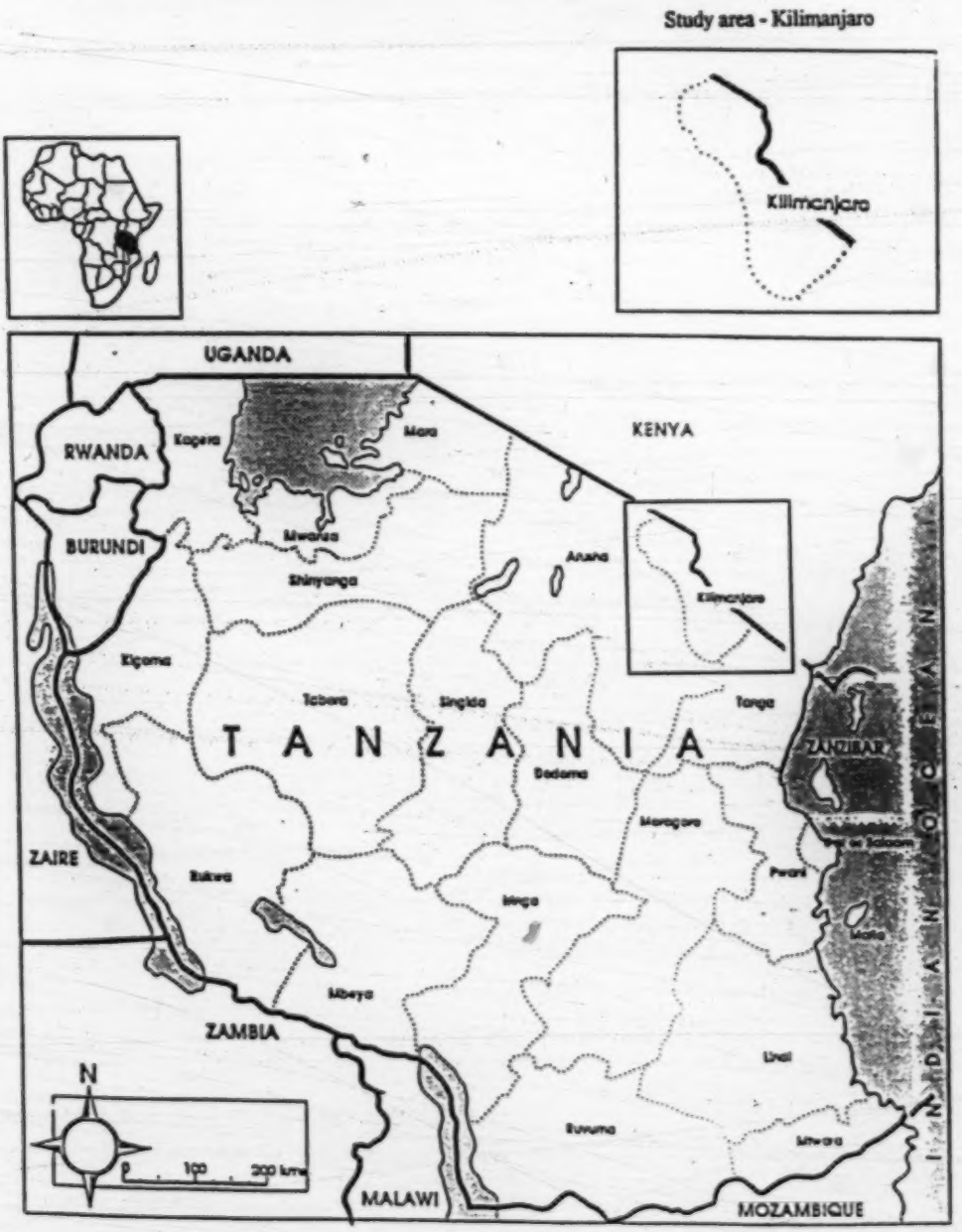
3.3 The Chagga of Kilimanjaro

The Kilimanjaro region is located in northeastern Tanzania, with an area of 13,200 square kilometers. Between 1500 and 3000 meters there is a zone of rain forest that feeds many rivers and streams. Below the forest zone, the area between 1000 and 1500 meters is the homeland of the Chagga. The Chagga are described as having the most aggressive and ambitious farming community in Tanzania (Kerner, 1988:159; Moore, 1986:15). They are hard working, open to new ideas and information, and new ways of doing things. These qualities have made them able to steadily transform the social and economic development of their community at a rate no other community in Tanzania has been able to match (Moore, 1986; Moore & Puritt, 1977; Gulliver, 1969; Dundas, 1968; Raum, 1967; Gutman, 1926). They were among the first African communities to accept and engage themselves in commercial agriculture by growing coffee as a cash crop. The Chagga are also reputed to be among the most modern of the rural peoples in Tanzania and they started one of the first African-owned cooperatives in the continent (Kerner, 1988:174; Moore, 1986:124 - 127).

Figure 2

MAP OF TANZANIA AND REGIONAL BOUNDARIES

(Adapted from Ministry of Community Development, Women Affairs and Children, 1995).



3.3.1 Political structure and social organization

In the nineteenth century, Chagga people were divided into many small autonomous chiefdoms. The chiefdoms among Chagga were well-developed institutions, with a well-developed economy and military (Dundas, 1967:287). Internally each chiefdom consisted of a number of settlements, each with its own local headman appointed by the chief. Each settlement in turn was made up of localized branches of several patrilineages. Each household of a patrilineage had a separate homestead in the midst of a fenced banana grove. These localized patrilineal groups were corporate, and had a good deal of internal autonomy. The indigenous polity was dismantled through colonial rule. However, it was replaced during postcolonial rule under a different organizational structure. In 1968, there were 17 administrative units, ex-chiefdoms that have now been transformed into wards (Moore & Puritt, 1977:27).

Patrilineal kinship ideology, segmentary lineage[2], and exogamy[3] are central internal principles of Chagga social organization. Most Chagga live in localized clusters of patrilineal kinsmen (Moore & Puritt, 1977: 35). The Chagga social order depends on suborganizational arrangements within local social groups for its operation. Rule making, administering, and enforcing and resource allocating among the people takes place within the localized patrilineages, the irrigation associations, and in women's markets.

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[2] Segmentary lineage is a branch (segment) of a clan. A clan is a unilineal kin group claiming descent from a common ancestor. Chagga clans are patrilineal.

[3] Exogamy is the prescribed practice of marriage outside the kin group. The boundaries of which are defined by the incest taboo.

Continuity of the lineage cohesion and control was maintained from one generation to another through a variety of discretionary principles, normative rules, and allocatory techniques. The localized lineage was, among other things, a regulatory body with certain kinds of control over its members and their individually held properties. Disputes over things such as inheritance, boundary rights, livestock ownership, water rights and bride-wealth payments are also contested within the lineage (Kerner, 1988:162; Moore, 1986:213-214; Gutmann, 1926:590).

3.3.2 Economic structure

Occupation

Traditionally, the Chagga are cultivators of land. In the past, and today, each household has its own plot of land which is bordered with trees or plants (HRAF, 216). Consequently, each local branch of a patriclan had its own territory divided among its member households. Besides the economic importance of agriculture, cultivation also has sociological significance for the Chagga. It is the conviction of the Chagga that tilling a field is a symbol of honesty and simplicity of life and that farming unites people. Raum (1967:319) explains that "agriculture work enforces a uniformity of synchronized behavior throughout the tribe and a close cooperation of the family members." Chagga people also believed that cultivation activates the ties of kinship. It was a common practice that in case of sickness in the household of one of the secondary parents, children are called upon to come to their assistance. Because of this practice, great effort was made by Chagga parents to interest their children in agricultural pursuits (Moore, 1986; Gulliver, 1969; Dundas, 1968; Raum, 1967; Gutmann, 1926).

The staple food crops are bananas and fingermillet closely followed by maize. Also important are sweet potatoes and beans. Peas, cassava, and pumpkins are also grown. Important domestic animals include cattle, goats, and sheep. Livestock are not grazed, but are kept in stalls, where fodder such as grass, bananas, and banana shoots are brought to them. The average Chagga homestead cultivates between two and four acres of food and cash crops. Coffee is the chief cash crop today. Both sexes engage in agriculture and the basic division of labor is traditionally between men and women.

With the advantage of volcanic soils, terracing of hillsides, and the use of animal manure as fertilizer, the Chagga are able to cultivate their banana gardens year after year. The Chagga also constructed an amazingly clever irrigation system, which contributes to efficient cultivation of crops (Moore, 1986; Masao, 1974; Gulliver, 1969; Dundas, 1968; Raum, 1967). Irrigation furrows belonged to those who constructed them, and subsequent users paid rent according to the number of days on which they used the water. By the nineteenth century, the Chagga had permanently occupied individually held plots of land and irrigated gardens (Moore, 1986:85).

Chagga land acquisition and settlement

Land, as a resource, was of basic economic social importance. During the pre-colonial days the mode of land acquisition was largely through clearing the bush. The individual, as the member of a group, acquires user rights in as much of the arable land that he and his family can clear and manage. Land could also be acquired through the inheritance of usufruct rights to land previously held by one's domestic group. Even today, allocation by or inheritance from a father or other kinsmen remains the principal mode of access in the areas of older settlement. The chiefs claimed rights in any

unoccupied lands. These were then allocated either to the chief's kinsmen, immigrants or other people in need. Today all land is under the jurisdiction of village leaders in government established villages.

Two kinds of tenure were recognized. (a) The *kihamba* which is a permanent homestead. The burial of kin in the *kihamba* and the free planting of trees were evidence of ownership. The owner could dispose of the *kihamba* and it was inheritable by his heirs. (b) The second tenure pattern concerned rights to the fields on the plains, which were called *shamba*. The *shamba* fields were located miles away from the homestead and allocation was made to members of the clan according to their needs. These plots were not permanently held, only the use rights were given. Usually the same strips were reallocated to the same persons as long as the block was cultivated. The landholder's rights to land he cleared were secured as long as he cultivated his *shamba*.

3.3.4 Impact of colonialism on land utilization

The colonial policy intensified the pressures on the land held by the indigenous population, due to large-scale appropriation of land for white settlement and commercial plantations. The best tracts of land were allocated to the mission stations while the local people were offered expansion on the dry plains below the mountain (Moore, 1986; Lord, Hailey, 1957). This redistribution of land was an effective way to demolish the indigenous population's ability to open new farms in the area. Unfortunately, land dispossession in all the Kilimanjaro chiefdoms has been more than was desirable and has dangerously reduced the areas cultivated by the local tribes (Lord Hailey, 1957).

Furthermore, natural population growth has contributed to increasing land pressure on the Chagga land since the nineteenth century (Kenner, 1988; Moore & Puritt, 1977; Lawuo, 1972). The population explosion has resulted in virtually every cultivable inch of Kilimanjaro being occupied, where most of the land is under coffee and banana cultivation (Moore, 1986). Land shortages have given rise to a complex system of land use and rights.

3.3.4.1 Cash economy

The cash economy is one, among other factors, which has contributed to increasing land pressure on the Chagga (Kenner, 1988; Moore, 1986; Dundas, 1968; Raum, 1967). Coffee was first introduced to northern Tanganyika in 1885 when the Roman Catholic mission at Kilema began its cultivation. After the British took charge, the cultivation of coffee increased even more steadily. Both state and mission schools were used as centers for propagating coffee and served as a training ground for the Chagga coffee growers. In addition, the colonial system established policies to train men for the commercial agricultural economy. Colonialists subsidized men's farming through credit and extension advice, and they consolidated land in men's names.

The introduction of modern techniques in Kilimanjaro was facilitated by the fact that coffee was a new crop and that coffee cultivation was so much more attractive than working on the settler estate. The Chagga farmers preferred their autonomy to dependence on the estate owners. Growing coffee for somebody else was not really an option when coffee could be grown for oneself (Kerner, 1988; Moore, 1986; Lord Hailey, 1957). Another reason that contributed to the rapid expansion of coffee among the

peasants was the relative case with which the coffee trees could be interplanted with bananas. It did not require new land and was not too labor intensive.

Today the Chagga cash economy is dominated by coffee, which is grown in the banana gardens all over the mountain. In order to improve access to the coffee market for smallholder farmers the Chagga started the Kilimanjaro Growers Cooperative Union (KNCU) in 1925. Furthermore, coffee cultivation led, in 1928, to the construction of a motor highway on the mountain that linked various chiefdoms (Moore, 1986). This transportation route facilitated the movement of coffee to Moshi town (District headquarters) where it was stored and marketed.

These transformations brought new ideas and challenges to land demands by the Chagga (Bruce & Migot-Adholla, 1994:6; Kerner, 1988:166; Bruce, 1988:32). With the expansion of coffee cultivation, uncultivated land took a new value. Wealth in livestock began to shift to wealth in land, and therefore led to an increase in the demand for land. Land came to be the most desirable scarce resource. Eventually the mode of land appropriation changed (Moore, 1986; Moore & Puritt, 1977; Gulliver, 1969; Dundas, 1968; Raum, 1967; Gutman, 1926). What was formerly ours became mine, and cash became a means of obtaining land. This change in proprietary rights in land was followed by a number of adverse consequences.

As more and more of the land came to be under coffee production many household heads diverted increasing amounts of family labor to colonial crops. Men commonly withdrew from food production tasks when they began to produce export crops. Women not only took up the slack in food production, but also helped with colonial-imposed export crops. Coffee became the main source of income and was

preferred to bananas. Due to land shortages, farmers sacrificed more land for coffee at the expense of food production. As less and less land was being committed to bananas and other vegetables, the capacity for food production per acre in the groves went down. There was a tendency towards land concentration and fragmentation (Kerner, 1988:179-180). With deteriorating economic conditions, small peasant families were forced to further fragment their holdings to large peasant households. For instance, most *shamba* fields belonging to poor families were converted into *vihamba* (permanent homesteads) especially as some wealthy Chagga were able to purchase land in scattered plots in different wards.

With the exception of allocations of land by chiefs, many traditional rules about landholding, the inheritance of land, as well as rules regulating the lending and transfer of lands have persisted into the present. Furthermore, these rules have been augmented by rules regarding the buying and selling of land for cash, and more recently regarding the transfer of the use of lands under socialist legislation. The position of Chagga women in relation to land will be discussed in subsequent chapters.

4.0 Methods of data collection

The purpose of this chapter is to discuss the method that I used for gathering data from the existing literature. This chapter outlines the procedures of systematic search and synthesis of literature. The goal is to make readers understand fully how I did the review so that they can replicate this study if they so desire. The chapter also describes the decision-making processes that led me to conduct documentary research. In addition, the chapter will present a more general discussion that highlights constraints as well as advantages of documentary research.

4.1 Overview

The world of social research includes two basic orientations. One orientation is quantitative recording of data in the form of numbers, and the other is qualitative. Kirk and Miller (1986:9) define qualitative research as a particular tradition in social science that fundamentally depends on watching people in their own territory and interacting with them in their own language, on their own terms. This type of research (qualitative) is normally conducted for exploratory and descriptive purposes, and is most common in anthropology, history, and political science (Denzin & Lincoln 1994:6).

Various instruments are used to collect qualitative data. These instruments can either be intrusive or unobtrusive in nature. Intrusive measures are the ones that frequently find their way into most conventional research methods. These intrusive measures include such methods as structured and unstructured interviews, focus group interviews, rapid appraisal, sociometry, socio-drama and ethnographic research. An unobtrusive measure of data collection is any method of observation that directly

removes the observer from the set of interactions or events being studied (Denzin, 1978:256; Webb et al, 1966:1). Unobtrusive measures include public and private archives, physical trace analysis, photographic techniques (including videotaping), historical analysis (historiography), and textual analysis. Documentary research, which involves the selection of facts from documents, represents another major class of unobtrusive measures. In this study the term documentary research is used interchangeably with reviewing literature.

Reviewing the accumulated knowledge about a question from documents is an essential early step in any research process. Many authors are of the view that people learn from and build on what others have done (Gall, Borg & Gall, 1996:114; Maxwell, 1996:30; Miles & Huberman, 1994:18). They argue that it is best to find what is already known about a question before trying to answer it. Thus, any specific research is a part of the collective process of gathering knowledge. Neuman (1991) also supports this argument by stating that:

> Scientific research is not an activity of isolated hermits who ignore others' findings or who hide what they discover. Rather, it is a collective effort of many researchers who share their results with each other and who pursue knowledge as a community (Neuman, 1991:68).

It is in this perspective that I collected facts from various sources to examine women's access to and control of land in rural Tanzania.

Documentary data was important for my research study because through documents I gained access to a variety of information that explains some aspects of land allocation to women. To the extent that this study is exploratory and descriptive in nature, I wanted to know the major factors that determine women's access to land; what

other researchers have already done and how knowledge has developed in this area of study. Since I wanted to know about rules, customs, and also statutory laws dealing with land-tenure issues, documents were relevant sources. Documents revealed how Tanzanian government and social institutions, in particular the patrilineage, and the law, account for accessibility of land. Furthermore, this technique allowed me not only to review the literature, but also to interpret the reviewed literature, to compare various sources of data, and to critically examine various events in different situations.

4.2 Data collection procedures

4.2.1 The scope of the review

The process of data collection involves searching, reading, analyzing, and eventually synthesizing the literature. I started by defining the social phenomenon of my interest as a construct, that is " a social system that identifies lack of access to and control over land by rural women of Tanzania as the major hindrance to improved agricultural production." Defining the construct was important because it allowed me to limit the scope of my literature review. This construct guided me as to what documents I may include in and exclude from my study.

Considering the fact that there are 120 ethnic groups in Tanzania and each have their own customs, I decided to select one case to study. Since I come from a Bondei tribe I wanted to study my own people. My aim was to combine the knowledge I have on the Bondei tribe with what other people have reported. Unfortunately no information on the Bondei tribe was accessible from the University of Alberta (U of A) library. Further

research in the library led me to conclude that the Chagga tribe had been documented the most.

4.2.2 Chagga as a representative case study

The Chagga were reputed to be among the most modern of the rural peoples in Tanzania, being prosperous cultivators who had started one of the first African-owned cooperatives in the continent. Earlier, the Chagga had their indigenous economy. They also had the experience of a long period of European colonial rule (German 1896-1916, British 1916-61). The Chagga also had a Western-educated leadership, a strong involvement with Christianity, and a commitment to the Western dominated world economy to which they sell their coffee. The Tanzanian government also reorganized the Chagga community several times.

This is not to suggest that cultural rules have changed. The Chagga brought a rich indigenous African culture with them into this century of Western involvement. Part of that body of ideas and institutions still shapes their present culture. Patrilineal system and exogamy remains. Many traditional rules about landholding, the inheritance of land, as well as rules regarding the lending and transfer of lands have persisted into the present. Elements of their culture came to be classified by their colonial rulers as "native customary law".

This phenomenon (patrilinearity) is observed in the majority of other ethnic groups in Tanzania. What is happening in Chagga tribe is happening in other patrilineal groups, a situation where customary law predominates. Therefore, I selected a Chagga tribe. To that extent, it offers lessons for many other tribes, which are currently following

the same path of modernization. The overall trend for commercialization of agriculture, and the openness of the Chagga to macro-level changes makes the Chagga case particularly useful. Thus, the findings of the case study can be generalized to other rural women of Tanzania.

4.2.3 Availability of documents

Getting access to data was not an easy task. At the U of A Library I used three preliminary sources to search the literature. Preliminary sources are hard copy or electronic indexes to particular bodies of literature. I started my search with the Human Relations Area Files (HRAF) collection of Ethnography using a CD-ROM. The keywords that I used in this search were Africa, East Africa, Tanzania, land ownership, land tenure, women in development, women and property and women's land rights. However, not much emerged from an initial search. Nevertheless, I acquired texts on customary law of Tanzania and land tenure and policy in Tanzania.

I also searched for literature on the Chagga using HRAF microfiche. The index pages of *Outline of Cultural Materials* (1983) indicated the code number, which allowed me to allocate the Chagga file in the HRAF file cabinet. Although the materials I had acquired were written on different phenomena, all of them addressed the Chagga people and their customs. Comprehensive overviews that reflected the historical, cultural and political context of the Chagga people were available.

Another preliminary source that helped me in my literature search was indexes to bibliographies. Several bibliographies suggested sociological journals that contained information related to land tenure issues. That is how I came to know about the existence

of a Land Tenure Center at the University of Wisconsin-Madison. Through inter-library loan it was possible for me to acquire materials from the Land Tenure Center and also from libraries in other Universities. The World Bank was another major source for my data. I acquired information on the study conducted by the World Bank and also unpublished studies that were conducted by the Land Tenure group of the University of Dar-Es-salaam in Tanzania. My last source of materials was from Tanzania, where I acquired a number of policy statements from various ministries, for instance the Ministry of Agriculture, the Ministry of Land and Housing, and the Ministry of Community Development, and Women's Affairs and Children.

It was important to obtain and study the original reports that were related to my investigation. These original reports are referred to as primary sources. A primary source is a document (e.g. journal article or dissertation) written by the individuals who actually conducted the research study or who formulated the theory or opinions (about social science phenomena) that are described in the document (Gall, Borg & Gall, 1996: 114). These original sources of literature shed light on the diverse meanings and context of land-allocation aspects. Not knowing when to stop searching, I decided to categorize the documents in different classes.

4.2.4 Classification of documents

After identifying and obtaining relevant documents, I had to classify them in order to understand the type of data they represent. I classified the documents according to the questions and objectives that guided my study. I formulated three research questions as follows: (a) What do I personally know about women's access to land? This

reminded me of a serious family conflict between my maternal uncle and his sisters over land ownership. I categorized this as my experiential data. In this part, I reported the true story that occurred, which I feel is similar to many women's accounts about their accessibility to land. The second question was (b) what are Chagga customs and rules for land acquisition and use? Anthropological studies (based on dissertations of people who lived on Chagga lands) provided information on Chagga customs and rules that affect land acquisition and use. These studies were relevant because they presented an overview of Chagga social organization, including their landholding systems. The documents also gave me insight about the processes and events that occurred in the Chagga's daily lives.

Another guiding question was (c) what is the current customary and statutory legal arrangements that influence women's access to and control over land? The laws and policies emphasize Tanzania's national stance on issues of women and their rights. The Local Customary Law Declaration(s), 1963, state the "Rules of Inheritance", which is the major determinant of women's access to and control over land. Court records also provided a rich source of data on the issue of women's subjugation on their rights to land. Furthermore, studies conducted by Land Tenure Group (LTG) provided opinions from other researchers. At the same time the answer to this question responds to the following specific objectives: to examine the dynamics between customary and statutory laws and what is implemented at the village level and also to consider policy options required to enhance the productivity of rural Tanzanian women.

Questions and objectives in this study acted as selection devices for reported "facts." Through these devices I developed the following codes for categorizing the documents as follows: (a) My experiential data; (b) Documents containing information

about Chagga social organization; (c) Documents containing other researchers' opinions; and (d) Policy documents.

4.2.5 Definition of constructs and interpretation of data

According to Denzin (1978:321) interpretation in qualitative research is an attempt to make clear and make sense of an object of study. This entails making inferences in order to get to the meaning of the statements in the documents. I created thick descriptions while searching for themes in the documents. Later I identified sociological constructs to bring order to the descriptive data.

In formulating sociological constructs, the first task was to search for commonalties (themes) in different sources I had acquired in my search. Therefore, in addition to identifying relevant themes, I had to infer patterns in order to bring to light an underlying coherence. This allowed me to understand what the readings say. I detected patterns in the written materials, just as one detects themes after listening to key informants. These patterns allowed me to reflect on how the information in the various documents relates to a theoretical framework and to the whole study.

Then I identified constructs that represented these patterns. For example I identified *hierarchical ordering of the society; male supremacy; economic dependency; rules of subservience; incomplete egalitarianism; 'towards gender consciousness': policy changes to include and recognize women; female organizations as vehicles for grassroots action* as major constructs in my review of the literature. Berg (1995:177) supports that the analyst formulates sociological constructs. Strauss (1987:34) explains that these constructs "are based on a combination of the researcher's scholarly knowledge and

knowledge of the substantive field under study." These sociological constructs added breadth and depth to observations by reading beyond local meanings.

The study therefore involved an interaction between theoretical concerns and characteristics of the messages from the literature. To support what Abrahamson (1983:286) stated, I feel that in this study a combination of both inductive and deductive approaches were applied. I say inductively because of my immersion in the documents in order to identify the dimensions or themes that seemed meaningful to the producers of each message. I used a deductive approach by using the categories suggested by a theoretical perspective.

4.3 Strengths and limitations of documentary research

4.3.1 Strengths

In addition to being a source of data, documents provide a means for finding out retrospective information. Documents provided details of events in the order of occurrence, such as successions of national policies and laws. This was important for me as it indicated not only the evolutionary process of customs but also changes in national policy and the growing consciousness of gender equality.

One common advantage of documentary materials, is its non-reactivity. The presence of an observer in interviews and questionnaires may produce changes in participants' behavior, thus altering their responses (Caulley, 1983:20; Denzin, 1978:256; Webb, 1966:53). Moreover, gathering information from documents does not require the cooperation of the individuals about whom the information is being sought, as does the

use of questionnaires, interviews and, frequently, observation. With interviewing, the researcher must make appointments and establish rapport, while one can work with documents at any time without any appointments. Documentary research is valuable in a time of rapid growth of information. It is also an affordable way to conduct research when funding is not available.

4.3.2 Limitations

Lack of documentation specific to my research proved to be a limitation. It was not possible to obtain all the relevant documents. Few of the documents I obtained dealt directly with my topic. In documentary research, data are filtered through the mind of the author. Documents may indicate what the author of the document thought, that is, what she/he thought had happened or what she/he thought ought to happen or would happen (Caulley, 1983:21). Interpretation always creates a gap between the author and the reader and there is always a possibility of multiple reinterpretations. Moreover, the researcher cannot observe the situations in which these materials were written or how they were made available for different audiences. For instance, colonial government officials and missionaries wrote some of the information on Chagga. Surely, these authors reported according to their interests and purposes, depending on the intended audience of the documents.

Moreover, the documentary researcher does not have the opportunity of the field worker to generate fresh data unless those who produced the documents are still alive. In this sense, the researcher has no control over the quantity and form of the data. The time available was another limitation in this study. Since most of the materials came from

outside of Alberta and sometimes from outside of Canada, the materials had to be sent from long distances to Edmonton. In most cases I had to wait for weeks before I received the materials.

4.4 Reliability and validity issues

Reliability refers to the probability that an observation, if repeated at a different time by the same person or at the same time by another observer, will give the same result (Gall & Borg 1996:251). In other words it is the degree of consistency within which the object being observed will give the same results with repeated observations. It is therefore vital for a documentary researcher to know how far the account of the documents can be relied upon; that is, how far the documents can be taken to tell the truth about what they describe (Gall & Borg 1996:659; Silverman, 1993:145).

In order to judge the truth of the statements in the documents I used anthropological reports on the Chagga, written by eight different authors. The materials I had acquired on the Chagga range from 1907 to 1986. Gutman, (as cited in HRAF, 1983) for example, wrote different versions of the Chagga customs between 1907 and 1939. Despite the fact that these authors were of a diverse professional background, they gave similar accounts on the landholding system in the Kilimanjaro region.

I compared the statements by these different authors to ascertain the probability that the Chagga would act in the way the authors described. This comparison also allowed me to ascertain the possibility that the events described actually occurred at the time specified. For further verification, I also compared the statements in the writings with my knowledge about the Chagga and my conversations with Chagga colleagues here

at the University of Alberta. All of these factors increased my confidence that what was written about the Chagga's rules and customs of their landholding system are accurate. The fact that the authors were not particularly interested in issues of access to and control over land made my confidence in these statements even greater. The authors only mentioned issues of land access incidentally.

Another important point was to know whether the writers were competent observers of the events to which they refer. The fact that all the authors were Europeans who originated from a different culture, there was a question of limited expertise relating to particular events and a possibility to overlook or misinterpret certain details of the situation. However, I had confidence in anthropological reports because professionals who lived in Kilimanjaro for a long period wrote them. For instance Gutman lived in Kilimanjaro for two decades, Raum was born there and he wrote his dissertation at the age of 29 years; Sally Moore did a longitudinal study from 1969 to 1986. It is unlikely for these writers to misinterpret events and processes that occurred during the period that they lived in Kilimanjaro. Moreover, they all speak *Swahili* and *Kichagga*[4]. These authors' extensive experience increased my confidence in their credibility. Policy documents were prepared by the respective bodies of the Tanzanian government, for instance the constitution and other policies by specific Ministries, and thus were the official "voice" of the government.

The fact that the literature used in this study is comprised of data from different investigators, who used different theories and different methods for conducting their studies, gave me confidence on the authenticity of the documents and the usefulness of

the information recorded. This authenticity and the consistency of the information in various documents suggest that the information is more reliable. Furthermore, the authors, being both female and male, it is unlikely that their observations were biased.

Kirk and Miller (1986:20) describe validity as the degree to which the findings are interpreted in a correct way. Maxwell (1996:87) contends that validity refer to the correctness or credibility of a description, explanation or interpretation. It is a question of whether the researcher sees what she/he thinks she sees. The important issue in the concept of validity is therefore to check for a way that the researcher might be wrong. It is a way of finding out whether the researcher's understanding could lead to invalid conclusions.

For instance, at the outset of my study, I was acquainted with Tanzanian official rhetoric of equality and human rights as identified by the government policies. I decided to look for evidence that challenged my understanding. After triangulating my data by going through the rules of inheritance, court records and other researcher's opinions I realized that what the government intends or portrays as fact may not be what happens in practice.

The conclusions of this study are drawn from the collected data. I continually looked for contrary findings and different interpretations from those I have made through soliciting comments from other people. I gave the drafts of my report to my colleagues for critique and for alternative interpretation. The assumption was that they might be able to spot weaknesses in definitions and assumptions, identify my own biases and flaws in my logic. I did member checks, by soliciting feedback from Chagga students here at U of

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[4] These are languages spoken in Kilimanjaro.

A, as mentioned earlier. This was to rule out the possibility of misinterpretation of the meaning of what the authors say and the perspective they have on what is going on.

4.5 Personal reflection

When I communicated with the program officer in the Commonwealth Scholarship program, she clarified to me that the scholarship does not provide funds to do research work in Tanzania. Although the primary aim of this study was to acquire a Master of Science degree, I personally wanted more than that. I wanted to do a study that will enlighten me about inherent problems prevalent in my country. Learning how to deal with problems in our situation was much more important than just doing a research study. For that matter, I did not like the idea of depending on written materials, knowing that I may not access adequate information as data. Contrary to my worries I ended up with more than the required information. In fact I have learned a lot more about the phenomenon of my study than I had expected. I believe I would not have learned as much if I had carried out two or three months of fieldwork. Moreover, it is difficult to learn about people's customs within that short period. Through documentary analysis I was able to learn about the trends of the Tanzanian society on land tenure issues over a long period. In the spirit of the "sociological imagination" I understood the problems of land access for women in Tanzania as a problem in the larger socio-political context of social change in Africa.

5.0 Findings and discussions

This chapter presents the data obtained from various documents and contains major findings in relation to broader sociological issues. The patrilineage and the law are among the significant social institutions within which access to and control of land is determined. These social institutions, which are based on patriarchal relations, relegate women to a subservient position. Land that is under the clan, community, or state ownership, effectively is under the managerial control of selected men. Although state policies are gender neutral, they are not gender neutral as they are applied at the village level.

5.1 The Chagga social system and its impact on land acquisition

5.1.1 Hierarchical sexual structuring of the society

The survival of the Chagga social system depends on a number of social institutions through which the main concerns and activities of the society are organized. Social control is attained through these social institutions. People make the social values of their community their own by learning from others the behaviors expected of them. In other words, people learn to perform social roles and by performing these roles they become full participants in society. For instance, at the time an eldest son is married, it is a paternal obligation for his father to present him with a developed banana grove. The eldest son is also given leadership responsibilities. In particular, he stands in the place of a father to his younger brothers and sisters, who must respect him. This eldest son becomes the administrator of the family property. After the first son's death, it is the

second-born son who succeeds the office of leadership.

One of the important themes that emerged in my study of Chagga society is the hierarchical sexual ordering of the society. Gender and seniority define roles, rights, and responsibilities within the Chagga social system. Relations of authority and subordination are based on gender and seniority. Seniority depends on age and other aspects of family status, for instance marriage and child bearing. Older people always merited respectful behaviors from their juniors. Any senior has a right to submissiveness from any junior. In return, the elderly have obligations to lead, teach, and aid their juniors.

In Chagga society, land acquisition practices and use are shaped by prevailing social norms. The normative rules that specify who shall hold what property are also determined in terms of gender and seniority. The basic norms having to do with the transfer of land involve inheritance. Inheritance in Chagga society is patrilineal, that is it follows a male line. The heirs' right to inherit is designated by the sequence of their respective births. Proper heirs are the eldest and the youngest sons. The middle sons are not entitled to an inheritance because they remain under the authority of the first born.

The final decision on who should inherit a particular *kihamba* (the permanent homestead) rests with the patrilineage. When a person dies, a meeting is held for four days after the death. This unique meeting is called the *matanga*. The *matanga* is part of the general administration by the patrilineage at which a disposition of the properties, claims, and debts of the deceased is made. The role of the patrilineage in these circumstances is purely administrative guided by rules and declared objectives. Thus, in Chagga society, people's identities are inseparable from the roles they play and activities they pursue. Since men and women conform to the gender division of duties and

responsibilities, the entire gender system is legitimated and further strengthened.

Division of labor in Chagga society is also according to gender. Men build canals, clean and maintain them and prepare fields for planting. Men and boys look after the feeding of the goats. They also slaughter the animals, skin and butcher them. They attend sick animals and animals giving birth to young. Women and girls cut grass as fodder for the cows, clean the cattle stalls, and milk the cows. They spread the manure around the banana stems and among the vegetables in the grove. They also run the neighborhood markets in which produce is exchanged.

Food production and preparation is basically a woman's task. In order to produce food in an edible form, an enormous amount of work is involved between harvest, and storage which involves threshing, winnowing, drying, and boiling. Women perform all these activities. Before cooking, women have to obtain an adequate supply of water and fuel. Since water and fuel-wood are very heavy, strenuous effort is required to carry them to the place where food preparation is done.

The reproductive and nurturing roles are also divided between the two genders. In addition to their role in agriculture, the bearing of and nurturing of children are predominantly the responsibility of women. Women are taught to value marriage and motherhood, and are constantly reminded that the pride of a proper woman is a husband. As wives and mothers, women provide their husbands with the most valuable of their possessions, children. Chagga women are expected to produce and raise children successfully, in particular sons for the continuity of the patrilineage.

Laziness is unceasingly denounced among Chagga women. Girls are taught that 'a diligent woman saves her children with her hoe; a lazy one kills hers with hunger'

(Gutmann, 1926:54; Raum, 1967:73). It follows that women feel they have the commitment to meet the obligations of feeding the family. To meet this obligation Chagga women work hard to raise sufficient food for their own children and surplus for exchange to acquire other necessities of life. They always want to be certain that they are doing the very best for their children and that they are not depriving them in any important way. Although Chagga society depends upon women for its perpetuation and sustenance, women are placed in an economically vulnerable situation.

5.1.2 Economic dependence

The constraints on women's economic independence are socially imposed. Patriarchal relations govern the economic behavior of most Chagga households. Men control and manage most agricultural resources. Thus, limited access to land constrains women's access to earnings and potential for independent economic survival. In this way women remain the main victims of economic vulnerability.

A Chagga woman is, in practice, regarded as a minor (Gutmann, 1926; Gulliver, 1967; Dundas, 1968; Raum, 1969; Moore, 1986). Throughout her life a woman is considered to be the ward of a man. The usual practice is that there must always be a man responsible for any woman to provide her with housing, care for her in times of illness, and to see that she has land to cultivate. Thus, women live first in the partenal *kihamba*, later in the *kihamba* of a husband (Gutmann, 1926:590; Moore, 1986:200). For women, marriage simply marks the transfer of their dependence from father to husband. If the father or husband dies the daughter or widow become the ward of the designated positional successor, the heir (Gutmann, 1926: 591-596). The positional successor is the

special guardian of the woman and must protect her interests. He then becomes the recipient of her bride-wealth.

When Chagga women marry they move and live with their husbands at their nuptial homes where they are provided with a piece of land (a *kihamba*) to cultivate. In a proper Chagga marriage a woman is given a house, a cow, and a banana garden to tend and to use. It is said that a polygamous man had to provide each wife with a separate hut and banana garden and, if possible, her own cows. In some circumstances, a husband could reassign the cow he bestowed on his wife, but the house and garden were normally hers for the duration of the marriage, and beyond, into her widowhood. Thus, women substantially depend upon their husbands to acquire access to productive resources, including land. One of the most serious consequences of this dependence is that they suffer extreme economic vulnerability.

Land is a basic resource for people's economic well being. Although effective control is vested in men, food production is largely a woman's obligation. Men keep the proceeds of the most lucrative crops under their control, but still expect that their wives' food crops will be sufficient to meet most of the family's daily consumption needs. The risk of poverty and the physical wellbeing of a woman and her children depend significantly on whether or not she has direct access to income and land. It is therefore important that women have a sufficient supply of both income and land to comply with men's expectations; it is their moral obligation. Women meet these obligations through their labor and also through that obedience to men's orders.

Women's dependence is also reflected in terms of the scope of decision-making. Although women are given parcels of land to cultivate they do not have much say in the

management decisions about how to dispose of the output. For instance, a Chagga woman is allowed to harvest enough to feed her own family, but she is obliged to leave the best banana bunches for the husband to harvest. The situation is even worse where there is forced residential separation of spouses, such as in cases where a husband is participating in trade and other entrepreneurial activities in urban areas. His wife cannot enter into contracts for farming equipment (say a tractor) or labor to aid her in farming operations, as only husbands have the legal capacity to administer the property. Women must wait for their husbands' occasional visits home to make decisions about important farming operations. Furthermore, the lack of land ownership rights makes women unable to apply for agricultural loans or credit in their own names.

The market economy has also contributed to women's economic vulnerability. Male control of land and export crops precludes women's production of the most lucrative crops. Due to its importance for cash earning purposes, coffee cultivation demands more land. Consequently, women are faced with uncertain tenure and decreasing size and quality of plots to farm. Women have an exceptionally difficult task maintaining levels of output and household food security. Furthermore, high labor-demand of coffee crop farming forces women to contribute their labor to weeding, picking and processing of coffee. As a result, women are heavily overworked in coffee plantations and their ability to produce food for home consumption deteriorates. Moreover, they are not allowed to share in the coffee income. Women have to ask for cash from their spouses.

The creation of pressures on the land in Kilimanjaro forced the Chagga farmers to be more outward looking (Parpart & Staudt, 1989:6). While some Chagga men migrated

to lower-populated areas for land acquisition, some of them were more inclined to move outside the agricultural sector in pursuit of a career. Although, to some extent, this entrepreneuralism was the product of the indigenous social system among the Chagga people, increasing land shortages and settler competitions reinforced male out-migration to cities for work (Kerner, 1988:164). Wives of migrant people were obliged not only to manage the family farm and livestock but also to protect their husbands' land rights (Parpart & Staudt, 1989:6). For this reason women continued to be the most stable group of adults in rural Chaggaland. The security of women's land tenure is of particular relevance to economic development in Kilimanjaro region, given it is women who must be the agents of social change as full-time residents of the area.

5.1.3 Male supremacy

Throughout the text women's subjugation and submissiveness is apparent. This is evident both at household and community level and at the national level. I have what I regard as experiential data, which indicates a family conflict over land ownership. I call this the plight of *shamba la babu*[3].

The plight of *Shamba la babu*

My maternal grandfather had a farm, about 20 hectares in size, where he produced maize, rice, cassava and sweet potatoes. The farm also contained permanent crops like coconut trees, mango trees, and guavas, and he kept small ruminants and also some chickens. He had acquired a tractor from the church and had also hired permanent labor to do farm work. He produced enough for household consumption and for sale. After

[3] Translated in English as my grandfather's farm

retirement, his four daughters (my aunts), who lived in town, went back to live with their parents at the village and help their older parents with the farm work. My aunts developed the farmland with the financial aid of remittances that they received from their sons and daughters. Because the farm was family property, they were committed to ensure each of the family members received optimum returns from the farm. At that time two of my aunts were divorced and two were widowed.

When my grandpa passed away my aunts called upon their only brother who lived in the capital city to come back home. In their letters to him they insisted, in kibondei "*Uya kaya, nkhatina mwegazi*," meaning "please come back home, we used to live under the surveillance of our dear father, now that he is no more, you are the only guardian we have." My uncle's return to the village initiated many changes. Among other things he ordered the sisters to stop all transactions on the farm, to conduct no further farm development, and to stop selling the products from the farm. He made these demands with the justification that the farm belongs to him, and the only heir, his son. He disliked the idea of his sisters having control over management decisions on the farm. He also worried about the possibility of his sisters' sons claiming the rights of ownership to that farm.

That pronouncement of my uncle was a beginning of a persistent, serious conflict between him and his sisters. Whenever they quarreled my uncle used to tell them "*Kamfufueni baba yenu, aje awape haki ya kutumia hii ardhi ambayo kwa sasa ni yangu*," that is, they should resurrect their father since he is the only one who has a claim for that land, and who can extend use rights to his daughters! My aunts stopped working

on the farm because they could not justify investing their time and effort on the farm without reaping the benefits.

Since no one worked the land, the farm has been transformed to barren land. This is the same land my aunts used to produce food for consumption, for the market, and for food reserves. The once well to do family of Canon Mwinyipembe is now a poverty-stricken household. Every member of the family is suffering from severe malnutrition, and the family requires money to buy a kilogram of maize flour from a village shop. This kilogram of maize flour will be used to prepare porridge for their breakfast and one meal for the rest of the day.

Wau (bondei word for grandma) had a different strategy. Mamhina was very clever compared to my aunts. She is the wife of my grandpa's brother. Unlike my mother and aunts who spent most of their time in school, her daughters spent all their lives working on the family farm. Logically one would expect that the daughters would also have a share of rights on that farm. But contrary to that expectation, their commitment to work on the farm did not justify their rights to that land. The daughters did not marry as expected. Mamhina economically managed to cut down consumption by conserving and saving money. Being aware of the custom that women had no permanent land rights in their natal homes, *Wau* Mamhina used her savings to purchase a separate tract of land for her daughters. She did not want to witness the conflicts between her sons and daughters over land rights.

Another example of a land control and access problem is exemplified in a confession from my friend Nyakimori. Nyakimori comes from a patrilineal tribe of Kuria from northern Tanzania. His mother (Nyanyamusobi by name) is a widow who was

married for 40 years and bore seven sons, Nyakimori being the eldest son. As a widow, Nyanyamusobi belongs to the group of female-headed households. This category of people has no clear land rights, since customarily usufruct rights have to pass through the male. According to Kuria customs Nyanyamusobi was not permitted to inherit her husband's property, but she was allowed to cultivate their farm. Nyakimori was always proud of that and he dared to tell me that "*Tulimwambia mama yetu, akileta fyoko fyoko tutamfukuza*," meaning that they have clearly instructed their own mother to obey his rules otherwise they will chase her away from the homestead. Thus, a widowed mother must obey her sons, brothers' in-law or her brothers to maintain her rights to use land.

From these examples we can see the way people perceive their social positions in a community. The feeling that men are superior is an internalized norm. A household is seen to be incomplete when it is without a male head of household. Men are also aware of their social position as being superior to women. Take for example my uncle, who gave orders to his sisters to stop all land use and management practices. The orders were followed. Nyakimori proudly announced that he could chase his mother away if she does not follow his wishes. It follows that women's submissiveness is legitimized.

Women's submissiveness can also be exemplified by the lack of women's freedom of speech. In many cases men have to speak for women, because women are not supposed to speak up in public. One researcher worked in *Ujamaa* villages had this to report:

> The men were represented on every institution of the village government, but the women did not have any representatives. Most of the decisions were taken by men and explained to the women and women accepted them. It was easy to see from the remarks of the men in meetings... 'Keep quiet you women'...'listen you women'... If money were being discussed women's remarks would be simply dismissed by men saying 'Who are you to speak? You are only a woman' (Freyhold 1979:78).

Men feel that they have a right to submissiveness from women. For instance, not all men were happy with the enactment of the 1971 Law of Marriage Act. The Act 1971 recognizes the contribution of women towards the acquisition of matrimonial property (land, for instance). Furthermore, the Act requires men to obtain their wives' consent to a second marriage. Some men felt that they have lost long-established rights to subjugate women. During the debate of the Bill (on the Marriage Act) one parliamentarian stated bitterly:

> If a man has to get his wife's consent to a second marriage, the African tradition where man has always been superior to a woman will be endangered. Unless the Law of Marriage Bill intends to change men into women this clause should be removed (Coulson, 1979:79).

Elected officials could not perceive the need to enhance matrimonial property since to them, women are themselves property. This was a view shared by many men, particularly in the rural areas. Tenga & Peter (1996:154) cited this assertion by a male elder in Bagamoyo: 'Women do not need property of their own. We take care of them the way we take of our cows.' While the trend indicates obvious male superiority and female submissiveness in the home and at the community level, it is necessary to look at the dynamics between customary and statutory laws, as well as government policies and their impact on women's access to, and control over land.

5.2 The dynamics between customary and statutory laws, and policy changes

5.2.1 Rules of subservience

At the level of statutory provisions, an attempt has been made in Tanzania to codify customary law relating to patrilineal tribes[6] (Tenga, 1990:186; Gondwe, 1990:8; Fimbo & James, 1973:165-210). Basically, the native customs were declared as 'customary laws' by the colonial government. This was done through the Local Customary Law (Declaration No. 4) order, 1963[7]. Among the schedules set down by the order is "Rules of inheritance." These rules of inheritance indicate the subordinate position of rural women in Tanzanian society.

For instance, it is a Chagga custom that women do not inherit clan land or own their father's or husband's estates. This is augmented by Rule *31* of the Local Customary Law Ordinance (Declaration No. 4) order (1963) which states that, Chagga female children of the landholder cannot inherit clan land when their parents have sons. James & Fimbo (1973:168) articulate that if there is only one son, he will inherit all of the property, but if the child is a female, she cannot inherit the family land. Females can only acquire usufruct rights.

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[6] Patrilineal people account for about 80 percent of Tanzanian population. Succession is through the male line. The remaining 20 percent are made up of matrilineal tribes in which the heirs are generally a man's uterine brothers and his sister's sons.

[7] Local Customary Law (Declaration(s)), 1963, has a number of schedules. The first schedule to the order states the "Rules of Guardianship;" the second schedule to the order sets down the "Rules of Inheritance;" and the third states "Rules on Wills."

Even when the deceased father leaves a will for a daughter, she does not necessarily inherit the land. One example is a case in a court of law where a 15-year-old daughter inherited land from a father (James & Fimbo; 1973:214). Her father had no sons and was said to have willed a particular *kihamba* to her. The court decided that if she paid compensation to the father's kinsman who had improved the land, she could have the land. The young daughter could not pay, and so she lost the land.

The argument here is that if daughters are allowed to inherit clan land they would, in the long run, sever that land from its old connection and take it to the clan of their husbands. This is contrary to the wishes of the lineage. Traditionally clan land should be preserved for the sole use of the clan members. The only way to prevent non-clan control of land is to bar daughters from inheriting that land, given most daughters will eventually marry. The Chagga families therefore, prefer to have sons not only for continuity of the patrilineage, but sons can preserve the clan control of homesteads and property.

When a man dies without leaving male heirs, the brother who is next in succession inherits his homestead and livestock. However, there has been the possibility for a man who has no male heirs to donate his livestock to his married daughters (Gutmann, 1926:596). The father who donates livestock does not add wealth to his daughter, but rather to that of her husband. That being the case, the brother who is next in inheritance looks at this development with concealed rage that the homestead is being handed over to hostile hands, that is his niece's husband's lineage.

Furthermore, the Chagga social system based on patriarchal relations is supported by a system of law, which is also patriarchal. Apparently the rules of inheritance, which are patriarchal in nature, are the main source for court decisions. Hence the legal system

is not gender neutral. For instance, in Chagga society, wives are not members of the family for land-holding purposes (Fimbo & James; 1973; James, 1971; Moore, 1986). In one case a couple had *shambas* which were bought by money saved from the family funds when they were living together as husband and wife. The couple cultivated the *shambas* and planted coconuts on them. The woman claimed that she was entitled to half a share in all of these *shambas* since she contributed towards their acquisition and their development. According to the Judge, it is the duty of the wife to help her husband in his employment whether it is cultivation, shop keeping or any other lawful engagement. The Judge held that no evidence was provided to show the woman had invested her own money in the man's *shambas*. In this case the woman was performing her duties as a wife when she cultivated and planted coconuts in the *shambas* of the man. In doing so, she was not counted as a partner in the property earned, unless she had a special prior agreement with her husband to that effect. In other words, a wife's labor is obligatory and does not guarantee her a share in their joint property should she become divorced or separated from her husband.

The situation is further aggravated by the apparent dysfunctional legal system in Tanzania. For example, the same Judge who argued that a wife's contribution to matrimonial property earned does not guarantee her a share in the property, had a different opinion in a conference paper (as cited by James & Fimbo 1973:260). The Judge argued that by helping the husband, the wife is doing so because the work is for their joint benefit and that upon divorce, the wife should be given part of the property the couple jointly cultivated. Nevertheless, court judgements generally tend to favor men over women.

The Chagga society has a variety of mechanisms that protects the rights of widows to use their husband's land and property. The patrilineage elders have the jurisdiction to decide on the marital fate of widows. In general, widows are entitled to the homes of their husbands for the rest of their lives and to being custodians of the share of inheritance of their sons, until the sons take over their property. Thereupon, widows become dependants on their sons (Moore & Puritt, 1977; Moore, 1986).

Widow inheritance by a brother is also a common practice. This is the custom under which a deceased's brother or next of kin takes the widow as his wife and looks after her accordingly (others refer to it as levirate marriage[8]). Levirate marriage among Chagga is regarded as a blessed institution (Gutmann, 1926; Gulliver, 1967; Dundas, 1968; Raum, 1969; Moore, 1986). According to Chagga it guarantees a sound upbringing of the children and enables the widow to lead an honest life. It is further alleged that the widow will not be forced into prostitution.

Rule 64 of the Local Customary Law Ordinance (1963) confirms the practice of levirate marriage. The rule states that 'If the widow agrees to live as a wife with one of her deceased husband's relatives and the consent has been obtained from the family council, she obtains the position of a legal wife. The bride-wealth paid by the deceased husband is then considered as if paid by her new husband' (Fimbo & James, 1973:189). A widow could, in theory, refuse a particular partner, but sometimes may be put under pressure to accept her assignment. If she and the widow-inheritor subsequently have children, he has to provide land for them.

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[8] Levirate marriage refers to the compulsory marriage of a widow by a brother of her deceased husband.

However, changes in the economy have led to an abuse of many of the cultural practices that protect widows and their children. In some circumstances, women may be in situations where the deceased has extensively developed the land, and a good house has been built on the land for the benefit of the entire family. The house and land are then taken from the widow by other clan members on the pretext that females should not inherit clan land, disregarding the fact that the property might have been jointly acquired or some of it might even belong to the widow. In some circumstances a childless widow may be forced to give up her homestead.

Thus, the real blockage to women's rights to land lies in customary law. Women's discrimination is due to the fact that, in customary law, social recognition determines the right to a claim for land. Furthermore, men monopolize all-important customary institutions (for instance the patrilineage) with juror power through which their existing advantages of property ownership and control are perpetuated. Therefore, land structures power relationships not only within the household, but also within the community and at the national level.

5.2.2 Incomplete egalitarianism

In 1967, the government prepared a working paper document, known as Arusha Declaration. The proposal contained in this document was basically asking Tanzanians to become a nation of *Ujamaa*[9] Villages. Following the Arusha declaration was the imposed "villagization" in early 1970s. Under the scheme of villagization, rural dwellers were relocated from their dispersed homesteads and brought together in concentrated village

settlements located and controlled by Government appointees. The intention was to encourage communal production. That is, people in Ujamaa villages could work together in small groups for the benefit of all. Most of the farming would thus be undertaken by groups of farmers who produce and market as collectives and provide their own local services out of their common surplus. Village concentration was also meant to allow for a more efficient provision of agricultural inputs, extension advice, credit and banking facilities, and marketing infrastructures, as well as medical, water, and educational facilities. Perhaps most important of all, the Arusha declaration aimed at reversing the emergence of inequalities and relations of exploitation in the rural areas (Coldham, 1995:228; Komba, 1995:36).

On land matters, the government clearly stated that land belongs to the nation and that land is to be used for the benefit of the whole nation and not for the benefit of one individual or just a few people (Coldham, 1995:228; World Bank, 1994:41; FAO, 1995:17; Nyerere, 1968: 260). Three pieces of land legislation that followed the Arusha declaration are worth mentioning. The first is the Village Act of 1975. The main concern of this Act was to provide for the registration and administration of villages. The second relevant piece of legislation is the Local Government (District Authorities) Act, 1982, which gave power on all village matters to the village council. The finance and planning committee of the village council has the jurisdiction over allocation of occupation and cultivation rights to villagers. It is important to note that the majority of council members are male.

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[9] *Ujamaa* refers to a pattern of equality, cooperation, interdependence and sharing.

In addition to Village Act of 1975, the National Agricultural Policy of 1983 (revised in 1994) outlined a system under which villages are allocated land under a 999-year lease. Thus villages have the power to sublease any part of their land to individuals, enterprise or institutions for shorter periods of between 33 and 99 years (URT, 1983:26).

The Local Government Act also required that each village member, male or female be allocated separate plots of land to cultivate. More specifically the *Ujamaa* policy stipulated that all men and women workers over the age of 18 must be registered as individual members of the *Ujamaa* Village. This registration guarantee members' access to land. It was anticipated that by women registering individually as members of the villages, their access to land would improve as well as more security of land tenure (Croll, 1986:225).

While it was provided that people be allocated land on an individual basis, all women have registered not as individuals, but as members of the male-headed households. The World Bank (1994:52) country study reports that rural women are reluctant to be identified as "head of households." Tenga (1990:194) asserts that, it is the head of the homestead (the man) that would be the registered owner of the homestead whether present or absent in the villages. Thus the majority of women continue to access land through men.

However, *Umoja wa Wanawake wa Tanzania*[10] (UWT) in *Ujamaa* Villages served as a particularly powerful impetus for instituting women's access to land. *Umoja wa Wanawake wa Tanzania* is the national women's organization in Tanzania. It is an affiliate of the ruling party and has branches in rural areas all over the country. Through

UWT the Government implemented its policies directed at women. In *Ujamaa* Villages all women are essentially members of UWT. The UWT enabled rural women to acquire land from the village authorities on a collective basis, and women always worked as a group. In this work group, women engaged in cooperative efforts for the efficient cultivation and harvesting of their crops. Women also participated in communal raising domestic animals such as chickens and pigs.

The *Ujamaa* policy and the UWT work groups in *Ujamaa* villages strengthened women's weak position. Rural women had a greater share in controlling land and other productive processes through their work groups. Women could not only increase their contribution to agricultural production, but also the UWT work group system allowed women to diversify their farm activities and strategize for improvements. Furthermore, the communal activities were less onerous and more sociable allowing neighboring women to get together and share time-consuming tasks.

Moreover, the *Ujamaa* policy and UWT in Ujamaa Villages appear to have benefited independent women or female heads of households (Croll, 1986:225). For divorced women who used to cultivate their spouses' land, they at least had an alternative source of economic support through the land they acquired from the village. Divorced women were no longer forced to turn to prostitution in order to earn cash to purchase their own land.

However, there are some cases of poor leadership and disorganization of Ujamaa policy in Ujamaa Villages, which led to less progress than was expected (URT, 1995:11; Croll, 1986:225; Hyden; 1980:238). For instance, in some strict patrilineal villages in the

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[10] *Umoja wa Wanawake* is translated as United Women of Tanzania.

Kagera region, it is reported that women-headed households have not been allocated land by the village governments (Tibaijuka, 1995:26). Some authors pointed out how settlement schemes (Ujamaa villagization being one) dispossessed rural women of access and control of land while entrenching the male household head as main controller of farm income (Gondwe, 1990:4; Mascarenhas & Mbilinyi, 1980:51-57; Brain, 1976). In fact, it was not the Ujamaa policy that dispossessed rural women of access and control of land. Nor did the Ujamaa policy entrench the male householder as the controller. Conservative social attitudes and traditional customs compelled women to register as members of the male-headed households. Moreover, there is a danger that UWT, as a branch of the current ruling party, will be constrained by government conservatism. With the current political changes, and the beginning of a multi-party system, the future of UWT is uncertain.

It is my opinion that it was difficult for a socialist transformation to change people's attitudes within a short period of time. Although socialism denounces discrimination of all sorts and emphasizes equality and egalitarianism, male domination has very deep roots in the Tanzanian social system. People have already internalized male supremacy. Male authority permeates Tanzanian society and legitimizes their domination. To redefine women's rights in practice, a number of institutional changes are important.

5.2.3 Towards gender consciousness: policy changes to include and recognize women

Women's restricted access to productive resources continued to raise concerns during the 1980s. With the increasing awareness of gender equality the situation has

slightly improved. Social attitudes are gradually changing as reflected by interpretation of laws. In a few cases the courts have upheld women's rights to property, and in particular the right to inheritance. It was under this premise that civil case no. 70 of 1989 in the High Court of Tanzania in Mwanza, that Justice Mwalusanya ruled that gender discrimination in matters of inheritance is unconstitutional. He declared that the sale of clan land by a daughter is lawful. An elderly lady in Bukoba (a district in Tanzania), who wanted to sell a piece of land inherited under her father's valid will, was challenged by a male relative. The relative argued that the elderly lady could not inherit clan land under Haya customary law. This was declared to be discriminatory by Justice Mwalusanya in the High court of Tanzania. The case showed that customary tenures are gradually changing and daughters are inheriting land from their fathers! This may be a good indication that an autonomous process to redress gender inequality is in fact already underway.

Tanzania supports human equality. Tanzania is a signatory to the United Nations Declaration on Human Rights (URT, 1992), which stresses that each person is equal before the law and has equal rights in the distribution of resources and in social services. Tanzania as a nation has signed the Organization of African Unity's Charter on Human and Peoples Rights (URT, 1992). Tanzania has also ratified the United Convention on the eradication of all forms of discrimination and prejudice against women.

Among other institutional changes within the government machinery, the central government has established the Ministry of Community Development, Women and Children Affairs in 1992. This Ministry's major role is to address basic community problems, especially those that affect women and children. The Ministry also advises the

government on gender issues, and formulated the policy on Women in Development in Tanzania in 1992.

Another major governmental decision was to encourage women to take up political positions. The government enacted a law in 1992 stipulating that at least 15 percent of the members of parliament must be women and at least 25 percent of local government seats must go to women (URT, 1995:67; Koda, 1994:8). This is an important step to ensure that women exercise their right to participate in decision-making, in particular at a national level. Thus, women leaders may have an opportunity to deal with key issues that constrain the majority of rural women, in particular their rights to land.

Decision making at a household level seems to improve as more women gain independent access to some of the productive resources (Koda, 1994:5). Some women both in rural and urban areas have established a kind of liberating force towards economic independence. The case of '*Upatu*' provides a good example. 'Upatu' is a form of traditional credit system in which a group of women would support each other on a monthly or weekly basis in a rotating manner, by way of contributing a certain amount of funds to a pool of money. In some cases women have managed to purchase land through the *Upatu* system.

The Presidential Commission on land matters made some commendable suggestions to improve the security of land tenure for women (URT, 1994:250-253; Tibaijuka, 1995:41). For example, the Presidential Commission requires that women spouses should also be written on the *Hati ya Ardhi ya Mila* (HAM) or customary land title. In making this recommendation, the concern of the commission is to prevent heads of households from selling land without the consent of other members of the households,

especially their spouses. This is a legitimate concern because male heads of households have dispossessed many women from their rural households. The government has yet to take action on this matter.

These changes in government policies are not designed to give women preferential treatment in relation to access to land. These policies are designed to prevent women from receiving less favorable treatment than men. For instance, the 1995 National Land Policy (NLP) speaks about enhancing and guaranteeing women's access to land and security of tenure. These policy changes have begun the process towards equality by setting out the appropriate legal framework. However, the implementation will require a determined effort on the part of women themselves to make the legal framework a reality in practice. At least, women will now have the law on their side.

5.2.4 Female organizations as vehicles for grassroots action

Rural women are not currently well organized at the village level. However, this was not always the case. Lessons from traditional societies indicate that women had considerable autonomy in areas of farming, trading, markets and female rites through their voluntary associations (Wipper, 1995:166; Koda, 1994:8; Wipper, 1971:164). These voluntary associations were important for a variety of social and economic reasons. Women are said to have substantial control over these associations and can protect certain interests through them (Wipper, 1995:164). The associations varied from village level dances, work groups and women's markets. For instance, in the 1940s until 1950s the major social center for women in a Chagga society was the market where women

gathered and exchanged their products. They had their own laws and often played roles in decision making with no assistance from their husbands or the government.

Today the government controls most women's organizations. In 1955 the Tanzanian government established a women's section in the national movement party with the aim of mobilizing women and bringing them into the liberation struggle. Women's mobilization led to the formation of the earlier-mentioned women's organization by the name *Umoja wa Wanawake* (UWT) and thus, replaced women's associations.

However, the legitimation of UWT was not an easy venture in a male dominated society. UWT, as an organization, had no authority to make decisions let alone to set its own objectives. The ruling party authorities wrote UWT's policies and objectives, and also decided who was to lead the UWT (Tenga & Peter, 1996:150). Anything initiated by women had to get the approval of the *Chama Cha Mapinduzi* [11] (CCM). In some cases, women's participation in public affairs aroused male hostility (Tenga & Peter, 1996:147). Elders initially complained that it was wrong for a woman like Bibi Titi (the UWT Chairperson) to address men. Illife (1979:531) and Tenga & Peter (1996:148) report a closure of UWT offices in several less tolerant communities. Although UWT was supposed to liberate women from discrimination, oppression, and exploitation by men, the organization continued to be weak and was unable to address problems that women were facing.

Realizing that UWT was not in any way an independent organization of women, several women created a strong and independent organization to safeguard women's

rights. The sustained efforts of gender progressive individuals led to the establishment of the Women's Council of Tanzania (Baraza la wanawake Tanzania[12], Bawata). Bawata has a wide mandate to investigate and monitor all matters relating to the safeguards provided for women under the constitution and laws. Among the key issues that Bawata deals with are those relating to ownership of land, inheritance, and social services. Unfortunately Bawata has no branches in rural areas and thus it is difficult for Bawata to deal directly with rural women's problems.

Currently Bawata is undergoing a number of difficulties. Given that the ruling party, for so many years, had all women in Tanzania under its control, the emergence of a strong and independent organization was not welcomed. For instance, Bawata encountered a number of threats from the ruling party, CCM and several warnings from the President of the United Republic as reported by government newspaper (*Uhuru*,[13] Dar-Es-Salaam 1995). Although Bawata has undoubtedly inaugurated a new era that recognizes women's rights, much more progress in women's actual access and control over land is needed.

Although women in Tanzania are generally dominated by men, women often play major decision-making roles in their own established social domains. If women were organized into strong independent organizations they would have the opportunity to make their own decisions on economic and social issues. Women's independent organizations are needed to instill confidence in women so that women can fight for their rights.

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[11] The current ruling party in Tanzania could be translated as 'revolutionary party.'
[12] Translated as ' Women's Council of Tanzania' in English.
[13] *Uhuru* translated in English as independence is a name of the government newspaper.

Women are providers of comfort and the mainstay of the household. It is high time we recognize that the burden women carry is not only physical (in terms of their labor), but also psychological. Women are often solely accountable for many aspects of family maintenance. For a significant majority of rural households, arable land, an increasingly scarce resource, is the single-most important source of security against poverty in rural Tanzania. Gender equity with regard to access to land is central to any improved rural development effort in Tanzania. If women are to take a more innovative role in rural production, there must be incentives presented to them. Secure land rights would, on the one hand, empower them economically, and on the other hand, strengthen their ability to challenge social and political gender inequalities.

6.0 Conclusions

This chapter provides a synthesis of the major findings and conclusions of this research. A closer analysis of the Chagga rules and customs illustrates the interactive effects of customary and statutory laws on land rights. Due to people internalizing norms and conforming to normative rules, the traditional systems of land allocation are sustained. The chapter further recommends policy options at the household, community and national levels.

Despite Tanzania's belief in equality and human rights; despite the formation of Tanzania Women's Organization (UWT) and the Ministry of Community Development, Women's Affairs and Children; despite government efforts to review all laws discriminating against women; despite the government's efforts to introduce egalitarianism through *Ujamaa* policy; despite Tanzania becoming a member of various international organizations that safeguard the rights of women, women do not have direct access to and control over land.

6.1 Review of the major findings

The first specific objective was *to examine the Chagga social system and its impact in land acquisition and use*, which is covered in section 5.1. The Chagga society is structured in a hierarchical order based on gender and seniority, where male members of the community are placed on the top. Duties, obligations and individual responsibilities are arranged and assigned on the basis of gender. For instance, men are socialized to take leadership roles. A household is seen to be incomplete without a male member as the head of the household.

This section further indicates the place of women in traditional rural Chagga society, and further reflects the asymmetrical power relations that exist between men and women. A patrilineage arrangement in many ways determines who in the family will be allocated land. Patriarchal relations govern the economic behavior of most rural households, that is men control and manage land. Limited access to land constrains women's access to earnings and potential for independent economic survival.

The second objective was *to examine the dynamics between customary and statutory land laws and the practices carried out at the village level*. Themes in this section describe the law that determines access to and control of land. The law, which is based on rules of inheritance, is highly influenced by traditional social customs. Furthermore, the legal system is not gender neutral and judicial attitudes towards customary rules of inheritance are in favor of men. The customary law is discriminatory against daughters, wives and widows. Their claims to access to and control over land are not socially recognized as legitimate.

The introduction of African socialism in 1967, which ideally was to introduce egalitarianism in control over land, has not changed women's role in relation to land tenure and agricultural production. The traditional way of allocating land has remained in use. Due to traditional customs, women also continue to gain access to land largely through their husbands.

This section further indicates government concern about women's restricted access to productive resources as a result of greater awareness of gender inequality. The institutional changes made within the government machinery are highly commendable. For instance, the 1995 National Land Policy (NLP) addresses enhancing and

guaranteeing women's access to land and security of tenure. In this way, the Tanzanian government has begun to set the appropriate legal framework. However, the NLP awaits effective implementation, in particular from women themselves. The section further illustrates the role of female organizations as a vehicle for grassroots actions.

Available evidence further supports the observations that the law is quite complex and inseparably embedded in custom and culture. Due to the strength of customs and traditions, both men and women have internalized the normative rules of society. Indeed there is a need for the government to enforce gender sensitization in issues of land allocation. More research is necessary to understand gendered processes in land acquisition, ownership and control, especially with respect to clan land.

If women are to take a more innovative role in rural production, there must be an incentive presented to them. Enhancement of women's access to land and security of land rights is the most important incentive to invest time and labor into agricultural production. Secure land rights would, on one hand, empower them economically, and on the other hand, strengthen their ability to challenge social and political gender inequalities. The last objective is *to consider policy options required for enhancing the productivity of women.*

6.1.1 Limitations of the study

Perhaps more than any other limitation, this study examined only the Chagga case. I chose the Chagga because I thought it is likely to be "information rich" with respect to the persistence of customary practices. Since the customary laws apply to the rest of Tanzania, I expected the results to be similar to other ethnic groups.

Another major limitation was the application of the socialist feminist theory. Although socialist feminists are concerned with all experiences of oppression, either by women or by men, this study focused on oppression of women as a primary topic for analysis. By focusing on gender analysis, other types of oppression across classes, within male levels of patriarchy, across ages and across space, are ignored. By using the knowledge of class and gender hierarchies as a base from which to explore systems of oppression socialist feminists set out to describe and explain all forms of social oppression centering not only on class and gender, but on ethnicity, age and sexual preference (Ritzer, 1988:308-309).

6.2 Recommendations

The gender gaps mentioned above need closing if indeed we are to move toward a more just society. Nevertheless, improving the situation must also involve a change in customs. Since traditional laws and customs determine social cohesion of societies, changing traditional customs will be difficult. To alter the rules of the lineage system is, in many African societies, to undermine the basic principles of social organization and cohesion. Furthermore, changing customs can be confrontive and threatening. Any change that is made must be able to avoid a 'head-on collision' with customs and beliefs.

6.2.1 Policy recommendations

The most important policy recommendation is to encourage women to apply for land allocation in *Ujamaa* villages. National educational campaigns should be carried out to sensitize women about their rights and the possibilities open to them and benefits of registering for landed property. Women and Law association should be used to provide

legal literacy to rural women. There is a need to develop and make more accessible literacy materials to rural women, for example leaflets and booklets on land issues. Mass media should provide accurate messages on land issues to the community. There is also a need to strengthen linkages between national, district, and local UWT organizations to narrow the gap between officials at the national level and at the rural level.

6.2.1.1 Women most in need of secure land tenure

Women that are most in need of secure land tenure are widows, divorced, and single mothers. Here I have suggested a few policy recommendations to enhance their land tenure security.

Unmarried women

One approach to improve women's productivity is to enhance their rights to land through inheritance to daughters. As noted earlier, women are expected to access their usufruct rights to land in their nuptial home. This arrangement follows the fact that, in traditional societies, marriage was considered a critical turning point in a woman's life. The lineage of both spouses was strongly connected to the marriage. Clan elders had various mechanisms to resolve matrimonial disputes. Divorces were very rare. Women's usufruct rights in their nuptial homes gave them secure land rights because marriages were usually stable.

With changing social values, the expectation that women would marry and move out of their natal homes is no longer always true. Many women are not getting married, and live as unwed single mothers. Moreover, marriages are now unstable. In the situation of a divorce, some women may be forced to return to their natal village.

Consequently, these women spend much of their adulthood in their natal homes. In view of this, it is imperative that daughters should be considered to have a share of land in their natal homes.

Widows and divorced women

As noted earlier, lineage determines a widow's fate. District Councils should be encouraged to formulate bylaws to protect the interests of widows and divorced women. Bylaws may be passed and implemented through the Local Government (District Authorities) Act (1982). District authorities are in a place to better understand traditional customs of an area. For instance, the Muleba District passed a bylaw that protects the interests of widows in their nuptial homes. This is the area where AIDS was prevalent in Tanzania. The bylaw should clearly stipulate that any property left by the deceased is the property of the widow(s) and children. The following are other possible options to address the gender inequality in access to and control of land.

6.2.2 Community-based organizations

It is important to motivate women to establish their community-based organizations. Networking with international and local non-governmental organizations (NGOs) could reinforce these community-based organizations. To date many local NGOs under the Tanzania Non-Governmental Organization Umbrella (TANGO) are addressing agriculture, livestock, fishing and environmental issues (Koda, 1994:7). This involvement has greatly empowered many grassroots women's groups. A good example is in the Same District in the Kilimanjaro region where some women succeeded to establish viable programs dealing with milling services (food processing).

Similar groups should be formed elsewhere in Tanzania with the same momentum and diversity of activities ranging from production to marketing. Once they have their own strong organization, women can deal with their own problems through sharing their experiences of status/role dilemmas and their feelings of relative deprivation. Out of this sharing a system of empowerment gradually emerges. Women come to conclude that an unjust, inequitable, and illegitimate system of male privilege exists and should be changed.

6.2.3 Clear definitions of inheritance patterns

Considering that there are various ethnic groups in Tanzania, and the fact that traditional customs are evolving, there is a need for the government to have a thorough study to meaningfully identify and clearly define inheritance patterns according to various tribes. Recently the Presidential Commission on land matters observed that in communities that are strongly bound by male inheritance, customary laws do allow for some flexibility. In certain circumstances, clan members are willing to provide land for female members of the clan. Customary law of communities that are not strongly bound by male inheritance such as the Sukuma, Nyamwezi, Gogo, accommodates both male and female heirs. For the Sukuma, Nyamwezi and Gogo, land disposition through a clan or family is optional. This is contrary to what is recorded and codified as customary laws of Tanzania. Villages must therefore have the flexibility to translate traditional customs into a clearly defined set of rules that are applicable to all their members. Rural women must take an active part in the exercise of redefining customs the way they understand them.

6.2.4 Women's emancipation

National campaigns in order to sensitize the community on land rights, land policy and legal issues on land are necessary. It leaves little doubt that with supportive educational campaigns by the Government, rural Tanzanian societies would consider changes in land tenure that are more favorable to women. Successful repeal of the rules can only be attained by an aggressive campaign that must be championed by women themselves. It is women themselves that can best struggle for and defend their rights once they are made conscious of them. Thus, rural Tanzanian women must work cooperatively to make the established legal framework a reality.

For the sake of preserving cherished Tanzanian national unity, such a campaign should enlist male cooperation wherever appropriate. In other words, although agitation by women should be the driving force of the campaign, no effort should be spared in educating both women and men about the impropriety of the rules, and the necessity for social change toward gender equity. Enhancing women's access to and control over land is possibly the most effective way to reduce their economic dependency. Women's land access and control can lead to challenges of gender inequities in other social and political areas.

6.3 A need for further research

This study describes many obstacles for women in rural Tanzania to gain access and control over land. Sociological research is needed to clearly show the influence of inheritance patterns, policies, and gender relations on the ability of women to improve

their control and access over land. Such research findings could be channeled into the content and delivery of educational programs, legislative efforts and judicial practices. More importantly, sociological research is needed to determine how to improve women's access to land, and what human and financial resources would be most useful to empower women in land acquisition.

Given the important role of women in agricultural production, it is imperative that such sociological research informs Tanzanian officials as they make their agrarian reforms. Sociological research is in the forefront of illuminating the important influence of gender in policy effectiveness. Thus this research, and other research on social impacts of agrarian policies, could inform policy makers, development workers, and extension agents about the necessary changes in policy and practices to improve the conditions of rural women that in turn improve the overall conditions of rural families.

6.4 Concluding statement

I began this process with the objective of learning about factors that determine access to and control over land. In the process of doing this research I found that I developed a different orientation to the issues of women and their rights to land. I am against the overall belief of oppression theorists that it is in men's interest to use, subjugate and control women. I argue that the way the society is socially structured determines people's attitudes and actions. Socially constructed gender relations, and their internalized norms have reinforced gender inequalities in Tanzania.

Furthermore, much of what is recorded and codified as customary law represents formerly negotiable norms of social conduct. Thus, avenues for changing customary law

exist as women exercise their ability to negotiate. Since the study exposes the basic problems that rural women encounter, I hope this thesis becomes useful information for researchers and organizations that attempt to improve women's lives in rural Africa, and will help politicize women to be able to negotiate with men to change their access to and control over land.

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